United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, MAY 9, 1995 *No. 76*

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. DICKEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 1995.

I hereby designate the Honorable JAY DICKEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

CLEARING OUT GUANTANAMO

Mr. GOSS. Mr. Speaker, I have said it before and I will say it again: The problem in Cuba is Fidel Castro and until Castro is gone the United States cannot and should not normalize relations with the closest of our Caribbean neighbors. Indeed, we should tighten the embargo, not relax it. Last week, many of my colleagues were surprised to learn that I consider the administration's new Cuban immigration policy a positive step in the right direction.

As a Representative from Florida who does not support normalizing relations with Castro's Cuba, I believe that we must take steps to regularize Cuban immigration, to bring order to what has been a chaotic situation for far too long. Last year, the President and his foreign policy team created a problem—this year we are trying to deal with the mess left over from some sloppy efforts at a Caribbean policy.

Now there are no good choices, only necessary choices. Why? Because sitting in Guantanamo are more than 21,000 Cuban refugees and several hundred Haitians. Even after the current paroling process is completed, the White House expects there will still be more than 15,000 refugees, mostly young men, left in primitive, stressful, living conditions. Add to that an infinite boredom, a hopeless future, and a long hot summer and you have ignition for launching a disaster.

My last trip to Guantanamo was in March with Senator BOB GRAHAM. We came back deeply concerned about the situation, about the cost of running the camp, and about the clear security risk for our troops in Guantanamo if something was not done soon. The administration's new approach should at least diffuse this potentially explosive situation. Those 15,000 young men, who have fled from Castro's Cuba now have a realistic hope they will not waste away in a Guantanamo containment camp. Under the agreement, the administration plans to use 15,000 of the existing 60,000 Cuban visa slots for the next 3 years for an orderly exodus of the refugees from Guantanamo—a camp that American taxpayers are paying $1 million a day to run. In addition, the agreement seeks to head off future inundations of refugees by providing a safer, fully organized Cuban Immigration Program for those yet to come from Castro's Cuba. The continuing visa allowances will enable significant numbers of Cubans to take refuge in our country through orderly channels and without risking their lives on the high seas. Obviously, good screening processes will be necessary by the Coast Guard to ensure no political refugees picked up on the high seas will be repatriated in hot pursuit or life-threatening situations. This will require constant and effective human rights monitoring.

Handled properly, the administration's new approach could disarm one of Castro's most effective gambits—the deliberate victimization of his people by releasing them as waves of refugees to pressure the United States on foreign policy matters. If this agreement works, it should have the net effect of drastically reducing the danger of another Mariel overwhelming Florida's shores and resources. It should also have the added bonus of allowing the Federal Government—rather than the State of Florida—to cope with the impacts of Cuban migration. That means that all Americans, not just Floridians, will provide locations and will share the financial cost of resettling refugees in an orderly, organized way.

Of course, there remain plenty of issues to be dealt with. Impacted States will have to work with the Federal Government to ensure that costs are reimbursed. And the Clinton administration has to perform the difficult task of providing monitoring for those repatriated to Castro's Cuba—the new Clinton policy will all fall apart quickly and completely if we find we are in any way aiding Castro's regime to commit human rights violations on political opponents or on those just simply seeking more freedom.

Finally, it demands emphasis that we have an obligation to the Cuban people as well as ourselves not to let up the pressure on the brutal, oppressive, regime of Fidel Castro, even while we work on ways to put more safety and order in the way we accommodate present and future refugees. That

means a stepped-up embargo and working for a commitment from our allies to cut off Castro's economic lifeblood.

The ultimate solution to the refugee problem and the key to a free and democratic life for Cubans is not to bring them all to America. The solution is to bring Cuba out of the cold war by ending the regime of Fidel Castro. And that, Mr. Speaker, is the bottom line. Fidel Castro is still what is wrong. We cannot escape that fact, but we can help change it.

CONGRESS MUST SAVE STUDENT LOANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 5 minutes.

Ms. DELAURO. Mr. Speaker, today, House Republicans will release their long-awaited and overdue budget proposal. While much of the public attention has focused on the Republican plan to cut Medicare, there is another aspect of the plan that is equally troublesome. The GOP budget plan cuts $12.4 billion over the next 5 years from the Stafford Student Loan Program. These cuts translate into the largest increase in college tuition costs in history.

In Connecticut, the Republican cuts in student aid would mean that 39,000 students would pay $127 million more for college over 5 years. By eliminating interest-deferred Stafford loans, Republicans will add $4,547 to the cost of an education for the average college student in Connecticut. Now, $4,500 may not be much money to NEWT GINGRICH or DICK ARMEY, but I assure you that $4,500 is plenty to working families in my district. It is plenty of money to Gail Baxter of West Haven, CT.

Just recently, I met Gail at a student loan forum I sponsored. Gail told me that she was worried about what cuts in student loan programs would mean for her family. And, it is no wonder she is worried. You see, Gail is a single mother who, in the fall of 1995, will have four children in college. That means four college tuitions. And, under the Republican plan, it means four increases of $4,500. All totaled the Republican plan to cut student loans, could cost this working family nearly $20,000.

But, any single mother who can get four children to college, is not someone who throws up her hands when faced with an obstacle. And, Gail Baxter wasn't about to take these student loan cuts sitting down. So, she got to work and started a petition drive. I told her if she collected the signatures that I would deliver them to the chairman of the House Budget Committee. In just a few weeks time, Gail collected the signatures of 630 parents, like herself.

The petition simply reads: We the undersigned oppose any attempts to cut Federal student assistance that assist hard-working American families.

Like the parents who signed Gail Baxter's petition, students in my district are also concerned about cuts in student aid. They do not think it is right that government cut student loans in order to pay for another tax cut for the wealthy. And, they are right.

Students from Quinnipiac College in Hamden, CT, organized a letter writing campaign to bring their message to Congress. The wrote hundreds of letters to various leaders in Congress. Here is one sample from Laurel Drumm of Quinnipiac College. She writes:

> Recent reports suggest you are considering the biggest cuts in the history of student aid. While we applaud congressional efforts for responsible deficit reduction, cuts in student aid just don't make sense. Student aid actually saves taxpayers money by stimulating economic growth, expanding the tax base and increasing productivity. That's why every major opinion poll shows strong support for student aid programs.
>
> The cuts under consideration would increase the student loan indebtedness by up to 50 percent and reduce grants and work-study funding. The bottom line is these cuts will make a college education unobtainable for many of us.
>
> The opportunity to go to college is a privilege that should be everyone's right. Please don't cut our future short. Don't cut student aid.

Mr. Speaker, student loans are the ladder to the American dream. Many of us in this body relied on student loans to pay for our educations. Let us not pull up the ladder of opportunity behind us. The Gail Baxters and the Laurel Drumms of the world are counting on us to do what is right and save student loans.

JOB SKILLS DEVELOPMENT ACT OF 1995

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning business for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, today I am introducing the Job Skills Development Act of 1995. This bill amends the Fair Labor Standards Act of 1938 to ease the restrictions on volunteers.

The FLSA requires covered employers to compensate individuals defined as ''employees'' according to mandatory minimum wage and overtime requirements. While there are exceptions to the employer-employee relationship for volunteers, the restrictions on permissable volunteer activities are excessively rigid.

As a result, individuals seeking to gain valuable work experience and exposure in a competitive profession by volunteering their services to an employer are often prohibited from doing so, even if the individual has no expectation of receiving compensation and adamantly denies that they are an employee.

When determining whether or not an individual is a volunteer and exempt from the minimum wage and overtime requirements of the FLSA, the Department of Labor and the Federal courts take into consideration the type of services provided by an individual, who benefits from the rendering of the services, and how long it takes to provide the services.

Because business-related services are not considered to be typical volunteer activities, individuals are often prohibited from volunteering their services to businesses in exchange for work experience.

The Department of Labor has carved out exceptions for student learners and trainees. However, if an employer gains an immediate advantage from the services provided by a volunteer, the Department of Labor will consider the volunteer to be an employee and require that the individual be paid the minimum wage.

The restrictions on volunteer activities are intended to safeguard against employer coercion. Protecting workers from unscrupulous employers is an important goal and must be preserved in our labor laws. However, the current immediate advantage test is too restrictive and should be altered.

The Job Skills Development Act eases the restrictions on volunteer activities without jeapordizing the important safeguards against employer coercion and worker displacement. These changes will help recent college graduates and individuals who have been out of the work force develop professional skills and gain experience.

Today, individuals face many obstacles in landing good jobs. Unfortunately, the FLSA imposes unnecessary burdens on ambitious individuals. Allowing businesses to provide opportunities for volunteers will benefit both employers and individuals attempting to break into a crowded job field.

Capitol Hill provides an excellent example of the benefits of allowing individuals to volunteer their services to employers. Young individuals participating in unpaid congressional internships gain a better understanding of the legislative process, develop office skills and make contacts that are invaluable in securing employment.

In my Washington office, six of my eight employees were unpaid interns before landing jobs on Capitol Hill. Two of my staffers volunteered in my office for several months before they were hired on as full-time paid employees. Both of these individuals have been promoted twice during the last year.

Because these two staffers were recent college graduates and produced work that benefited my office during their internships, they would have been prohibited from volunteering their services if I would have been forced to comply with the Fair Labor Standards Act.

On the opening day of the 104th Congress, we passed legislation that brings

us under the Nation's labor laws. The Congressional Accountability Act exempts interns from the employer-employee relationship covered by the Fair Labor Standards Act.

Mr. Speaker, Congress should give individuals attempting to gain competitive private sector jobs the same opportunities that individuals wishing to work on Capitol Hill have enjoyed for years. I urge my colleagues to support the Job Skills Development Act of 1995.

PRESERVE MEDICARE AND PROVIDE COVERAGE TO UNINSURED AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. STARK] is recognized during morning business for 4 minutes.

Mr. STARK. Mr. Speaker, Republicans talking about saving Medicare remind me of the man who murdered his parents and begged for mercy as an orphan.

They are making a blatant attempt to distract the public from a tax bill that takes $87 billion out of the Medicare Part A Trust Fund over the next 10 years and gives it to the rich. And Republicans are crying crocodile tears about the trust fund being in danger?

''Hello, Earth to Republicans: Your hypocrisy is showing.''

I urge Republicans to reread their views on last year's health reform bill. In that bill, Democrats saved the Medicare Trust Fund by getting all health spending under control. The billions we saved in Medicare helped the uninsured, expanded Medicare benefits and provided a prescription drug benefit for everyone. Democrats used Medicare savings to improve the entire health care system.

Where were the Republicans? They voted against any and all Medicare savings. In their dissent 10 months ago, they said ''reimbursement levels * * * have reached potentially disastrous levels'' and ''additional massive cuts in reimbursement to providers * * * will reduce the quality of care for the Nation's elderly.''

Now the militant radical right wants to cut three or four times more than we did. How can they now say it will not hurt quality?

NEWT can't reform the system with more managed care and vouchers. I rather resent Republicans suggesting that my mother and the Nation's seniors are either senile or so stupid that they will not see through his doubletalk.

My mother knows that managed care costs more and means less choice of doctors and hospitals. My mother knows that Republican vouchers to buy private insurance will never be worth enough to pay for her health care. NEWT's plan to push America's seniors into plans with less choice—all the while saying he gives them more choice—is a dog that just will not hunt.

Republicans intend to disrupt people's health plans, force them into managed care, and they know it will save little or nothing. Last week, CBO said that Medicare spends more for HOMO enrollees than had they remained in the fee-for-service sector—about 5.7 percent more. Until you Republicans know more about how to pay for seniors in managed care, you are just whistling in the dark, and playing fast and loose with a sacred trust.

We Democrats have always worked with responsible Republicans on ways to improve Medicare and reform the entire health care system. But $300 billion in Medicare cuts for the sake of tax cuts for the rich will destroy not only Medicare, but the entire U.S. health care system.

We must not only preserve Medicare, but we must provide coverage to 47 million Americans who are today without coverage. You Republicans proved your political dominance over the House in the past 4 months. Now, why not show us you stand for something besides insurance company profits and tax cuts for the very rich. You are in complete control of this Congress and must be judged by your ability to legislate in the best interests of all Americans—not just white, rich, suburban radicals.

So let us get together and fix the ''break'' the way it ought to be fixed, with universal coverage and reform for all Americans.

THE PENSION PROTECTION ACT OF 1995

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning business for 5 minutes.

Mr. SAXTON. Mr. Speaker, I am introducing a bill today which is known as the Pension Protection Act of 1995. I must say that usually I am pleased to introduce a bill. Today I say that I regret that it is necessary to introduce this bill. But it is, because when American workers get their check at the end of the pay period and they look at the check stub, they look to see, how much has been deducted for their contribution to their pension plan. And those pension plans have become very, very important, because those are essentially savings that the American worker is putting aside for his or her retirement.

The Clinton administration has been up to some mischief, I believe, that is destructive to that process. So the Pension Plan Act of 1995, which is cosponsored by our leadership on the Republican side, and I certainly invite our Democrat friends to join with us as well, is an attempt to protect the American worker from the mischief of the Clinton administration.

It is interesting to note that something over $3.5 trillion are in private pension funds today. This is the magnitude of the risk that has been brought about by the Clinton administration. Why? Because the administration has targeted private pension funds as a new way to finance their liberal social agenda.

Faced with an angry revolt of voters last November against too much Federal spending, President Clinton and his Department of Labor are trying to use private pensions to do what they used to do through old fashioned taxing-and-spending. These social investments include: Public housing, infrastructure, and pork-barrel projects.

The administration has dubbed these social projects ''Economically Targeted Investments'' or ETI's, but I prefer to call them PTI's or ''Politically Targeted Investments.''

Let me emphasize that targeting private pension fund investments is a radical and dangerous idea. ETI's violate the clear mandate of the Federal law that Congress passed to protect private pensions—the Employee Retirement Income Security Act or ERISA—which requires that a pension fund manger must give complete and undivided loyalty to the pension beneficiaries.

Let me quote directly from ERISA: A pension fund manager must ''discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries and for the exclusive purpose of (I) providing benefits to participants and their beneficiaries; and (II) defraying reasonable expenses of administering the plan.''

Besides ETI's obvious conflict with ERISA, the best economic research indicates that pension funds that target social investments produce below market returns.

The Clinton administration's ultimate objective is to establish an ETI quota for every private pension fund.

What Secretary Reich would make permissible today, will become compulsory tomorrow.

Today, I am introducing a bill that will protect the 36 million private pension participants from President Clinton's pension fund grab. My bill, the Pension Protection Act of 1995, will not alter the fiduciary duties laid out in ERISA. Instead, my bill will simply reiterate that the act means what it says, no more, no less.

ERISA could not be clearer. Trustees may not invest in ETI's because by definition ETI's seek to benefit someone other that solely the participants and beneficiaries of the pension plan; and ETI's pursue an objective other than exclusively the interest of the plan's participants and beneficiaries.

The security of our pension funds is no small issue. Every American who plans on retiring someday should be very concerned about that the Clinton administration is up to. I believe that if we act quickly, we can ensure that everyone working today can rest easier if my bill to protect their pensions is passed.

TAKING THE COWBOY HAT OFF THE MILITIA PROBLEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I rise at this time to take the cowboy hat off the militia problem that the Speaker tried to put on it this weekend on national television.

For any of you who were watching the Speaker this weekend on national television, he said, 'We have to understand there is in rural America, particularly in the West, a genuine fear of the Federal Government.'' He added that this genuine fear seemed to be driving otherwise average Westerners into the Rocky Mountains to create some kind of a Rocky Mountain guerrilla group or some such thing.

Well, I rise to say that is not true, that that is an extremist position in the West, and that we in the West are not encouraging that type of thing. I also find all of this very interesting, because I would be terribly surprised if the Speaker or any other Member of this body rose to talk about the genuine fear of the Crips and the Bloods or the genuine fear of the Members of the Aryan Nation, or the genuine fear of the Ku Klux Klan, or on and on and on. We would tell them all to grow up and get a life.

Now, what about these militias and what about the paranoid style of politics that has been practiced by some of these overgrown, overaged, GI Joes that appear to be rather on a lost patrol? Well, first of all, unfortunately, it is not a regional phenomenon. They are not all hunkered into the Rocky Mountains. The militia pup tents have raised their heads all over the country. They are in Georgia, they are in New York, they are in Michigan, they are in Montana, and, yes, unfortunately, they are in my State too. So let us not try and just put a cowboy hat on it. Let us deal with the fact that they are everywhere. Let us not romanticize this. Let us realize that this is not a genuine fear, this is ridiculous, and this is paranoid politics at its absolute worse.

The second part that comes into all of this is an attempt to try and draw some kind of a urban-rural, and therefore Western-Eastern, polarization on this. What I want to point out is the Rocky Mountain States are 71 percent urban. That may come as a surprise to people that Arizona is more urban that Ohio, and Neavada as urban as Pennsylvania. That even a hot topic of banning assault weapons that people often want to say is impossible to do in the West, when you poll, you find people in the Rocky Mountain States poll the same as any other State. So those kind of regional differences do not pan out.

Finally, the paranoid fear of government is an extremist position, and every one of us ought to say that. People who have a fear of government should go to the ballot box and not their bullets. Ballots, not bullets, is the way to approach this government. I am very troubled when I hear people saying that we should accept this, pat people on the head, and not take it on.

I am especially surprised the Speaker has not done more to abuse the notion of this paranoia. I really hope that all of us in this body look at what we might be contributing to this kind of paranoia and ask if we are. As Pogo once said to us, we ought to look in the mirror and meet the enemy and find out if it is us.

I hope all of this regionalistic romanticism and everything else stops, and we start saying there is no reason to be paranoid about a democratic form of government.

Mr. WILLIAMS. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Montana.

Mr. WILLIAMS. As the gentlewoman knows, I represent Montana, all of it, the little bit of urban we have out there and the lot of rural we have. Like the gentlewoman, I, too, was watching television and heard Speaker GINGRICH make his latest in a series of wedge statements, in which he seemed to try to divide the West out as a place that was somewhat paranoid about the Federal Government. I do not know what part of the West our good Speaker was talking about, but he was not talking about Montana.

Montanans are frightened by the militia, not the Federal Government. Montanans are frightened by outlaws, not by those who would enforce the law at local, county, State and Federal levels. My Montanans, as with your constituents in Colorado and our colleagues and constituents throughout the West, recognize full well that the West, for the most part, has been a wonderful partner in having settled and developed the West. The Federal Government plumbed the West. We are, after all, a hydraulic society that insists on making the deserts flourish. It is the Federal Government that set out the Interstate Highway Systems and has done so much to help the economy of the West, and we appreciate the involvement of the Federal Government. We do not fear it.

Mrs. SCHROEDER. Nor do we in Colorado.

SUDDENLY A CRISIS IN MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, suddenly the Republican leadership has discovered a crisis in the funding of Medicare, and they want to fix it. Well, they are not sure they want to fix it. They want the President to make a proposal to cut Medicare spending over the next decade. They want the Democrats in Congress to make a proposal to cut Medicare spending over the next decade. Maybe they want a bipartisan commission to make proposals to cut Medicare spending over the next decade.

The bottom line is they want someone to come out and get ahead of them and propose cuts in Medicare spending over the next decade, under the guise of saving Medicare from bankruptcy, a new crisis that no one could have anticipated a year ago during the health care debate. A year ago during the health care debate, we heard from Republican leaders on both sides of the Hill that there is no crisis in health care in America, none at all. We need no congressional action regarding health care. That was only 12 months ago.

More recently, we had the much vaunted Contract on America, which laid out the 10 most important issues confronting the United States of America, the 10 must-do pieces of legislation to bring our country into the next century. And you know what? Medicare was not on the list. I guess there was not a crisis in Medicare, or at least they did not know about it, when they were writing the contract.

Then we brought the contract to the floor again. Still, no mention of Medicare. We brought a dire emergency supplemental spending bill to the floor of the House; $2.3 billion additional for the Pentagon, because you cannot ask the Pentagon to do anything without giving them more money. We add a few billions of dollars for the crisis in California, for the earthquakes and the floods and various and assorted sundry other things that Congress always throws in when we do a dire emergency supplemental spending bill, but not a penny for Medicare. I guess 2 months ago there was not a crisis in Medicare.

What has happened since is the Republican leadership in this House pushed through a bill cutting revenues, cutting taxes, by $340 billion over the next 5 years. And guess what? Now they think we need to cut Medicare somewhere in the vicinity of $300 billion. But there is no linkage. There is no linkage between the massive tax cuts which they shoved through this Chamber for the largest, most profitable corporations, for foreign and multinational corporations, for people earning $200,000 a year, under the guise of some scant relief for middle income families and people with children. No, there was no crisis in Medicare then. But now there is.

Suddenly there is a crisis in Medicare that just happens to come close to the amount of money that is proposed in the massive tax cuts. The crisis has come now because they have sat down and tried to write their budget, and they found out you cannot hold the Pentagon harmless and in fact increase their spending, you cannot hold all of that massive part of the Federal budget harmless. You cannot deal with the existing debt and the interest payments, and you cannot cut taxes and

balance the budget. It just simply is not there.

So suddenly we have a crisis in Medicare that cries out for immediate action, for immediate cuts totaling 80 percent of the money they need to fund their tax cuts. No, the crisis is not so much in Medicare, and it is not a new crisis. In fact, Medicare, according to the trustees, is in better condition today than it was a year ago. They have put off its potential insolvency for 12 months into the next century.

No, the crisis is in the corporate board rooms. The crisis is in the country club cocktail lounges. The crisis is that the Republicans in their contract promised the most powerful and the most wealthy and the most well off Americans a nice, big, fat, juicy tax cut, and they promised everybody else in America they would balance the budget. And now they want to balance the budget on the backs of the seniors by cutting Medicare to fund their tax cuts.

Congress is going to say no to this outrage, this new abomination worse than the worst aspects of the first 100 days of this Congress.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 5 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EWING] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are reminded during these days of the momentous occasion of the ending of conflict in Europe 50 years ago. As our thoughts go out in thanksgiving for the blessings of peace, we remember specially those members of our Armed Forces whose dedication and sacrifice brought new hope to so many people who had known destitution and suffering and death. We laud all those who labored for freedom and recall with praise their commitment and their allegiance to liberty. O gracious God, whose power created the Heavens and the Earth and whose grace is all about, may Your blessing be upon those who gave of themselves that others might live. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. JONES. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JONES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this vote will be postponed and the vote will be taken later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 53. Concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 103. An act entitled the ''Lost Creek Land Exchange Act of 1995''.

The message also announced that pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI, Mr. BROWN, Mr. GREGG, Mrs. HUTCHISON, Mr. JOHNSTON, Mr. PRYOR, and Mr. AKAKA as members of the Senate delegation to the North Atlantic Assembly Spring Meeting during the First Session of the One Hundred Fourth Congress, to be held in Budapest, Hungary, May 25–29, 1995.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. BINGAMAN as a member of the Senate delegation to the Mexico-United States Interparliamentary Group during the First Session of the One Hundred Fourth Congress, to be held in Tucson, AZ, May 12–14, 1995.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair on behalf of the Vice President, appoints Mr. GRASSLEY and Mrs. HUTCHISON to the Senate delegation to the Canada-United States Interparliamentary Group during the First Session of the One Hundred Fourth Congress, to be held in Huntsville, ON, Canada, May 18–22, 1995.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mrs. MURRAY as vice chairman of the Senate delegation to the Canada-United States Interparlia mentary Group during the One Hundred Fourth Congress.

AWOL

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, as President Clinton goes to Moscow, he once again has dodged his responsibility.

This time, he has failed to exhibit any leadership when it comes to saving Medicare.

According to the Medicare Board of Trustees, a group which includes three members of the President's Cabinet, Medicare will go bankrupt by the year 2002.

Republicans are developing a plan which will protect, improve and preserve the Medicare system. We will do this by eliminating fraud and abuse, while slowing the explosive growth in costs.

Instead of joining with us in our reform efforts or offering solutions of his own, the President has gone AWOL. Yes, he is absent without leadership.

Mr. Speaker, the American people want real leadership from their President.

They want us to take steps to save Medicare, not allow its costs to continue to skyrocket to the point of bankruptcy.

I urge the President to live up to his responsibilities and work with Congress to save Medicare.

REFORMING MEDICARE

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, anyone reading the paper or watching the news last week knows that Medicare is on the front line in the battles that lie ahead. Seniors are watching and what they see is troubling. Yes, we do need to reform Medicare—but there is a right way and a wrong way. Last year we had the chance to strengthen Medicare the right way—in the context of health

care reform. Now we have to make up for a lost opportunity. And now seniors will bear the burden and pay the price for gridlock. Let us agree that the first rule of reform will be the same as it is in medicine: First, do no harm.

Let us agree to put partisan interests aside and put seniors first.

Let us agree that while good health care requires choice, managed care, when it is just managed profit, is wrong.

That prevention, home care, prescription medicine is quality health care for high quality lives.

Finally, let us pledge that we will not destroy Medicare in our effort to reform Medicare.

REPUBLICANS TACKLE FINANCIAL PROBLEMS, SEEK A BALANCED BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, over the last 4 months the liberal Democrats in Congress have been feeding the public a steady diet of class warfare rhetoric. Somehow they think that the budget problems we face will magically disappear if the phrase tax cut for the rich is repeated over and over.

This strategy exposes the fact that liberal Democrats have a lack of conviction in solving the Nation's problems. They offer no leadership and they seek to divide America along class lines.

Since the start of the 104th Congress, Republicans have offered a vision of America that can solve its problems and we proved that we can keep our promises.

Republicans here in the House are convinced that we must balance the budget. But balancing the budget is not just about money it is about our children's future. For too long now, the Federal Government has operated in the red. The resulting debt is a threat to America's future generations that must be dealt with.

So while Democrats offer class division and dance around the tough issues, Republicans offer a return to a balanced budget.

REPUBLICANS CONSIDERING CUTTING MEDICARE

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, today the Republicans in Congress are considering proposals which will cut Medicare funding by billions of dollars, causing large reductions in Medicare services which will have a devastating effect on our senior citizens. We cannot allow this to occur. Our seniors are already on fixed incomes, with many of them having a tough time making ends meet from month to month. How can the Republicans in the light of day even contemplate slashing our senior citizens at a time like this, when they deserve more and more health care?

Mr. President and Mr. Speaker, one of the speakers mentioned a minute ago that the President did not participate, that he is AWOL in the Medicare debate. I would like to say that the President is not AWOL, there is no need today to deal with the Medicare crisis. The Medicare crisis is only the political crisis that the Republicans have started this date.

USING COMMON SENSE TO FIX THE BUDGET

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, if an average American were to pile up huge debts and engage in reckless financial behavior, that person would eventually be held accountable, either by the law or by his creditors.

But here in Washington, somehow, the reverse is true. The Federal Government has become immune to accountability. They have racked-up trillions in debt and yet continue their irresponsible spending. Unfortunately there is a price for all this irresponsibility. That price will be shouldered by average Americans who are not responsible for the failed policies of the past.

If we do nothing to remedy the out-of-control spending here in Washington, our children will suffer a very dim future. It does not take a rocket scientist to figure out that spending more than you earn is not the wisest thing—especially in the long run. And, it does not take a wizard to fix the budget. All it takes is commonsense, determination, honesty, and a realization that we simply cannot continue with the old Washington way of doing things.

REPUBLICAN DOUBLESPEAK ON MEDICARE CUTS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I rise today to warn my colleagues to beware of Republican doublespeak on Medicare cuts.

The greatest doublespeak is that Republicans will reform Medicare to give seniors more choices by giving them vouchers to buy private insurance.

What they do not say is that the vouchers will not be worth enough to enable them to buy an insurance policy that gives them the choices they have today.

They do not say that the value of the vouchers will force seniors into the lowest cost and most restrictive HMO's.

They do not say that the value of the voucher is going to be ratcheted down every year to become worth less and less until seniors are saddled with virtually all the costs of their health care.

They do not say that the vouchers will toss seniors to swim alone in the perilous and confusing currents of the private insurance market—the same market that has reduced their children's choices.

Vouchers are not more choice. They spell the end of Medicare coverage that seniors—and their families—rely on.

FIXING MEDICARE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it takes guts to do what is right instead of just doing what is popular. President Clinton's own Medicare Board of Trustees, which includes Cabinet Secretaries Donna Shalala, Robert Rubin, and Robert Reich, believe that under current law, Medicare will be bankrupt by the year 2002, or possibly even earlier. These are the President's people telling us. Doing nothing is disaster; doing nothing is a formula for bankruptcy. But what solutions have the Clinton Democrats proposed to correct this problem? None. I hear rhetoric today, but I do not hear solutions.

Mr. Speaker, the Clinton Democrats are showing a willingness to let the system collapse by maintaining the status quo. On the other hand, the Republican majority will rise to the challenge of trying to show some guts and offer some real solutions to preserve, to protect and to improve Medicare. The Republican majority is committed to honor our contract with older Americans. I know I am one, and I represent a lot of others.

Mr. Speaker, it is real simple. The program is going broke, and we are going to fix it because we care about senior citizens. We want them to have good quality, affordable health care options, and we know doing nothing is disaster, so we are going to do something.

HOW NOT TO CUT THE BUDGET

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, first there was school lunches. Republicans voted to cut school lunches to pay for tax cuts for American's wealthiest citizens. Then Republicans proposed cuts in student loans to pay for tax cuts for the wealthiest special interests. Now Republicans want to cut Medicare services. They want to increase premiums, and copayments and deductibles.

Mr. Speaker, I am a deficit hawk. I want to balance the budget. But we cannot balance the budget, we should not balance the budget, by cutting taxes for the rich, by building star wars, and increasing military spending,

and by cuts in Medicare, in school lunches, and in student loans.

INTRODUCTION OF HOUSE RESOLUTION OPPOSING REPEAL OF GUN CONTROL LAWS

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, the Oklahoma City bombing has left Americans looking for ways to prevent other terrorist assaults on innocent victims. One thing Congress can do is refuse to let the gun lobby blow away the landmark gun control laws passed during the 103d Congress.

Today I am introducing a resolution expressing the sense of Congress that the Brady bill, the assault weapons ban, and the juvenile handgun ban should not be repealed. These laws are balanced efforts to control crime that are proving effective in keeping guns out of the wrong hands, while respecting the rights of law-abiding Americans to own firearms. To let these laws be tossed aside as a political favor to a special interest would be a national tragedy.

At the beginning of this Congress, the gun lobby announced its plan to get these laws taken off the books. They have paused in their effort in the wake of the Oklahoma tragedy. But rest assured, it is only a tactical pause, and it will not last long.

Oklahoma City is chilling evidence that a few individuals with extremist views can use weapons of enormous power to kill and maim. Tragically, the toll inflicted each day with handguns and military-style assault weapons is almost as great.

Our commitment to fighting domestic terrorism should start with keeping the Brady bill, the assault weapons ban and the juvenile handgun ban in effect. I urge my colleagues to support this resolution.

□ 1415

HAPPY TALK ON MEDICARE

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, don't be fooled by all the Republican happy talk on Medicare.

They're not cutting Medicare in order to fix the system.

The Republicans are cutting Medicare for one reason and one reason only: to pay for their tax cuts for the wealthy.

You see, the Republicans made an amazing discovery.

To pay for their tax cuts, they cannot just cut student loans and child nutrition programs and cops on the beat.

Even though they are cutting each and every one of those things it still leaves them about $300 billion short.

So, now they're targeting Medicare.

And what is this going to mean to the average senior citizen?

It is going to mean higher copayments, higher premiums, less choice of doctors and it is going to cut into Social Security COLA's.

And this isn't just going to affect senior citizens.

Where is the average working family going to come up with the extra money to care for their parents and grandparents?

Mr. Speaker, Medicare is not a cash cow for tax cuts.

It is a sacred trust between the Government and the people.

It is time we keep that promise.

REPUBLICANS AND MEDICARE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Republicans are having a hard time explaining to 35 million Americans who rely on Medicare that their benefits will be cut to pay for a $350 billion tax break for the wealthy.

Now, Republican leaders are attacking the President because he refuses to join them in slashing Medicare to pay for their unjust tax break. Republicans also fail to mention that the President has in fact extended the life of the Medicare fund in legislation that Republicans voted against last year.

The truth is that Republican cuts to Medicare would make the average Medicare recipient cough up $900 more each year out of their own pockets.

In my State of New Mexico alone, 200,000 Americans will be forced to reduce their food budget or their heating costs to pay for this unfair tax cut.

Mr. Speaker, the President is right. We should favor Medicare reform that protects benefits for Americans, but cuts in Medicare should not pay for a tax break for the wealthy. The American people will not be fooled.

MEDICARE AND VETERANS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as we all celebrate V–E Day and the wonderful generation that saved Europe from Nazi Germany and Fascist Italy, what are we doing to them? Well, the Republicans are trying to take their Medicare and slash it away. What a way to salute them. This is the generation that saved the world. This is the generation that paid for the Marshall plan to rebuild the world, and now we are telling them they have also got to pay for the deficit so that the fat cats can have more tax cuts.

That is not fair. That is not the America they fought for. I hope that all this Medicare scare goes away.

MORE ON MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Medicare should not become a political football because millions of our seniors in America depend so heavily on it for their health care.

In today's edition of the Houston Chronicle that I picked up before I left home this morning, it talks about the Republicans laying plans to slash billions from the budget. The Republican majority should come up with a plan to reform the Medicare system but not cut $250 billion, $300 billion, $400 billion out of it.

I spoke and met with many seniors yesterday in my district, and they want the fraud and abuse out of Medicare. But they do not want less health care than they have today.

The Medicare system was made solvent for 3 more years in 1993 without one Republican vote. Now the Republican majority is planning to cut it in the name of reform. The savings should be used to increase the benefits for seniors and increase the reimbursement rates and not just to pay for tax cuts. I cannot support billions in Medicare cuts when they would not help the system become more solvent in 7 years.

Medicare should be reformed but not to save $380 billion and help pay for tax cuts for the rich U.S. citizens.

SLASHING MEDICARE

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise today in opposition to the Republican proposal to slash Medicare spending over the next 5 years. I am reminded of the riddle, the riddle is, what is the difference between the Contract With America and a contract with the devil? The riddle is, what is the difference between the Contract With America and the contract with the devil?

The devil's contract still provides for our seniors and our children.

The fact that such cuts will devastate our hospitals across the country forcing many rural hospitals who rely on Medicare benefits to close sums up the problem.

This is not the way to provide the money that is needed to make the tax cuts that have been promised in this contract.

REPUBLICANS WANT TO REFORM MEDICARE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, here we go, once again, down the path of spreading fear, fear that we are going to slash this and slash that.

The American people know instinctively that a government cannot continue to spend money that it does not have. Only one time in the last 50 years has Congress actually balanced the budget.

We, as Republicans, believe that balancing the budget is our contract with our children, because we cannot continue to spend money that we do not have, giving our children and theirs the bill.

When it comes to Medicare, we are going to protect, preserve, and improve Medicare. We are going to spend hundreds of billions of dollars more over the next 7 years as we balance the budget. Medicare spending is going to increase from $4,700 per enrollee to $6,400 at the end of 7 years.

So when you hear people talking about cutting Medicare, they are wrong. We are going to increase spending for Medicare and protect this program that is so vital to our seniors.

THE HEALTH CARE DEBATE

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, nobody was home on the other side of the aisle last year when the President pressed health care reform as the only way to contain runaway costs. Suddenly Republicans have discovered the cost side of his equation, but it will not balance without health care reform.

Tax cuts for the rich just passed by the House make this a mass problem with no possible solution. In the Senate some Republicans are trying to dodge the bullet by disowning the tax cuts while other Republicans over there would rather die than give them up.

This is no way to celebrate May, which is Older Americans Month. Their equation is already out of balance with 20 percent of their income going for out-of-pocket health care expenses.

The only way to relieve them and cut costs at the same time is to mop up all the inefficiency in health care with across-the-board reform.

Medicare is not out of control. The health care system is. Tax cuts for the rich make a bad situation worse.

MORE ON REPUBLICANS AND MEDICARE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, I could not let the last Republican speaker pass unchallenged who says we are really going to increase Medicare. Well, I guess it is sort of like Medicare, you are going to get the same level of services, but we are going to cut you back a significant percent.

If it is going to then be increased, why it is so many senior citizens understand that they are going to lose on the average $900 a year? The real concern I have is, why is this being done?

Is it being done to help Medicare? It is not being done to help Medicare. It is being done to pay for the tax cut. That is right, the tax cut for the wealthiest individuals in this country where 51 percent of the benefits of that tax cut go to those earning over $100,000. The only problem is, if you are going to balance the budget, you have to make up for the over $300 billion of lost revenue that is going to come because of that tax cut.

Where does it come from? Out of the hide of Medicare, out of the hide of senior citizens and out of the hide of health care.

DON'T MAKE SENIORS PAY FOR TAX CUTS FOR THE RICH

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to say to my colleagues on the other side of the aisle: Do not cut Medicare to pay for tax cuts for the rich.

Under some Republican plans, seniors—37 million seniors—will pay an additional $900 each year for health care. These cuts will be used to pay for tax cuts for the rich. For people who earn more than $230,000.

That is not right. That is not fair.

Medicare is the lifeline for many of our seniors.

It is time to be frank and honest with the American people. Tell them what you are doing and why. Lay all your cards on the table, face up.

Do not take health care from our senior citizens to pay for tax cuts for the rich. That is not Medicare reform. And our senior citizens will not be fooled.

CUTTING MEDICARE NO WAY TO HONOR WORLD WAR II VETERANS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, as we celebrate the 50th anniversary of the end of World War II, we honor the brave American soldiers who put their lives on the line to secure our freedom.

But, we owe World War II veterans more than parades down Main Street, medal ceremonies, and memorials. We owe them the security of a decent and dignified retirement. Medicare is central to that promise. By cutting Medicare for seniors, Republicans break that promise.

Under the Republican budget proposal, 37 million seniors will lose $900 a year, while 1.1 million wealthy Americans get a $20,000 windfall. A side by side comparison, reveals the painful tradeoff: $305 billion in Medicare cuts will pay for a $345 billion tax cut for the wealthy.

This budget debate is all about priorities. All of us agree that we need to cut spending, but the question is where do you start. The wrong place to start is by cutting health care for seniors. If we truly want to honor the men and women who secured our future 50 years ago, let us secure their futures today, let's protect Medicare.

BANKRUPTCY IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while everybody is celebrating V–E Day, victory in Europe, I would like to talk about B–A Day, Bankruptcy in America Day. Think about it. For 50 years America has given trillions, trillions of dollars to Europe and Japan. And in return Japan keeps ripping us off with illegal trade. And as we speak, Russia is now concluding a deal to build nuclear reactors in Iran.

Beam me up. With friends like this, my colleagues, why does America have to worry about any enemies? I say let us stop this cash giveaway to Europe and Japan, start investing that money in America. Then we would not have to tinker with Medicare.

Wake up, Congress. Our policies are so misdirected, if you threw at the ground they would probably miss.

TRADE WITH JAPAN

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, in this box is a part. It is a universal joint. I bought it on Main Street America yesterday, Main Street, Royal Oak, MI. It costs $11.47. In Japan, this part would cost over $100.

What does it mean, this differential? It means fewer jobs here in the United States because our products are locked out in Japan. It means fewer jobs and smaller profits for our industry which could be invested.

It also means the Japanese consumers are overcharged, and it also means that Japanese companies use profits from their sheltered markets to gain market share here to invest in the rest of Asia and elsewhere with an unfair advantage.

It is long overdue that Japan open up their automotive sector to parts and to cars. Talk has not worked. Action is necessary. We support the administration's efforts.

□ 1430

REPUBLICANS WILL SAVE, PROTECT, PRESERVE, AND IMPROVE THE MEDICARE SYSTEM

(Mr. TATE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. TATE. Mr. Speaker, it is an exciting day in America, because the Republicans on the House side are making real change, just as we promised, with the Contract With America.

Now we are going to take on the balancing of our national budget. Let me tell the Members, Mr. Speaker, a child born today, if we do nothing, will be saddled with $187,150 in their lifetime just in taxes, just to pay the service on our national debt. That is unacceptable. The Republicans are willing to take that on. We are also willing to save our Medicare system.

If we do nothing, if we just sit back on our hands, like some are saying we should do, it is going to go bankrupt. Republicans are committed to save it, to protect it, to preserve it, to improve it. We are not going to bury our heads in the sand, Mr. Speaker. We are going to take on the issues that are important to working people, saving our future and saving our children's future.

REPUBLICANS TRY TO REFORM A HUGE MAGICAL ILLUSION IN ATTEMPTING TO CUT MEDICARE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, when it comes to attempts to cut Medicare for our Nation's seniors, our Republican colleagues are trying to perform one huge magical illusion. I like magic tricks just about as much as the next person, but I prefer to see them in the circus, not here on the floor of Congress.

Let us take a look at what is up the sleeves of the Gingrichites. They want to cut Medicare to 37 million seniors by about $900 each year. This painful cut is for the very men and women who we have been celebrating on this 50th anniversary of our victory in Europe, people that we here applauded, who fought for this country abroad, or who worked for it here at home.

Yet, at this very time we find in the Committee on the Budget scheduled for tomorrow here in the House the Gingrichites' proposal to cut the Medicare benefits that are so critical to these senior citizens.

I would say that David Copperfield should beware, because with the kind of magic being performed here and the kind of illusion here, this is an act that is ready for the Las Vegas strip.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TODAY DURING THE 5–MINUTE RULE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee on the Whole House under the 5-minute rule:

The Committee on Agriculture; the Committee on Banking and Financial Services; the Committee on Economic and Educational Opportunities; the Committee on Government Reform and Oversight; the Committee on House Oversight; the Committee on International Relations; the Committee on the Judiciary; the Committee on Resources; and the Select Committee on Intelligence.

Mr. Speaker, it is my understanding that the minority has been consulted, and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is correct. The Democrat side has been consulted, and we have no objections.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Wednesday, May 3, 1995 at 7:05 p.m. and said to contain a message from the President whereby he transmits proposed legislation entitled ''Antiterrorism Amendments Act of 1995.''

With great respect, I am
Sincerely yours,

ROBIN H. CARLE,
Clerk.

THE ANTITERRORISM AMENDMENTS ACT OF 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–71)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, the Committee on Banking and Financial Services, and the Committee on Commerce, and ordered to be printed:

To the Congress of the United States:

Today I am transmitting for your immediate consideration and enactment the ''Antiterrorism Amendments Act of 1995.'' This comprehensive Act, together with the ''Omnibus Counterterrorism Act of 1995,'' which I transmitted to the Congress on February 9, 1995, are critically important components of my Administration's effort to combat domestic and international terrorism.

The tragic bombing of the Murrah Federal Building in Oklahoma City on April 19th stands as a challenge to all Americans to preserve a safe society. In the wake of this cowardly attack on innocent men, women, and children, following other terrorist incidents at home and abroad over the past several years, we must ensure that law enforcement authorities have the legal tools and resources they need to fight terrorism. The Antiterrorism Amendments Act of 1995 will help us to prevent terrorism through vigorous and effective investigation and prosecution. Major provisions of this Act would:

—Permit law enforcement agencies to gain access to financial and credit reports in antiterrorism cases, as is currently permitted with bank records. This would allow such agencies to track the source and use of funds by suspected terrorists.

—Apply the same legal standard in national security cases that is currently used in other criminal cases for obtaining permission to track telephone traffic with ''pen registers'' and ''trap and trace'' devices.

—Enable law enforcement agencies to utilize the national security letter process to obtain records critical to terrorism investigations from hotels, motels, common carriers, storage facilities, and vehicle rental facilities.

—Expand the authority of law enforcement agencies to conduct electronic surveillance, within constitutional safeguards. Examples of this increased authority include additions to the list of felonies that can be used as the basis for a surveillance order, and enhancement of law enforcement's ability to keep pace with telecommunications technology by obtaining multiple point wiretaps where it is impractical to specify the number of the phone to be tapped (such as the use of a series of cellular phones).

—Require the Department of the Treasury's Bureau of Alcohol, Tobacco, and Firearms to study the inclusion of taggants (microscopic particles) in standard explosive device raw materials to permit tracing the source of those materials after an explosion; whether common chemicals used to manufacture explosives can be rendered inert; and whether controls can be imposed on certain basic chemicals used to manufacture other explosives.

—Require the inclusion of taggants in standard explosive device raw materials after the publication of

implementing regulations by the Secretary of the Treasury.

—Enable law enforcement agencies to call on the special expertise of the Department of Defense in addressing offenses involving chemical and biological weapons.

—Make mandatory at least a 10-year penalty for transferring firearms or explosives with knowledge that they will be used to commit a crime of violence and criminalize the possession of stolen explosives.

—Impose enhanced penalties for terrorist attacks against current and former Federal employees, and their families, when the crime is committed because of the employee's official duties.

—Provide a source of funds for the digital telephony bill, which I signed into law last year, ensuring court-authorized law enforcement access to electronic surveillance of digitized communications.

These proposals are described in more detail in the enclosed section-by-section analysis.

The Administration is prepared to work immediately with the Congress to enact antiterrorism legislation. My legislation will provide an effective and comprehensive response to the threat of terrorism, while also protecting our precious civil liberties. I urge the prompt and favorable consideration of the Administration's legislative proposals by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 3, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken at the end of legislative business today.

STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1995

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1139) to amend the Atlantic Striped Bass Conservation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Striped Bass Conservation Act Amendments of 1995''.

SEC. 2. REAUTHORIZATION.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking ''For each of fiscal years 1986,'' and all that follows through ''1994,'' and inserting ''For each of fiscal years 1995 and 1996,''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) COMMISSION MONITORING OF IMPLEMENTATION OF INTERSTATE PLAN.—Section 4(a)(1) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended in the material preceding subparagraph (A) by striking ''of fiscal year 1987, and of each fiscal year thereafter,'' and inserting ''of each fiscal year,''.

(b) REPEAL OF INOPERATIVE PROVISIONS.—Sections 8 and 10 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) are repealed.

SEC. 4. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

(a) IN GENERAL.—The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by section 3(b) of this Act, is further amended by adding after section 7 the following new section:

''SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF PLANS AND AMENDMENTS TO PLANS FOR ATLANTIC STRIPED BASS.

''The Commission shall establish standards and procedures to ensure that the Commission provides an adequate opportunity for public participation in the preparation of any plan for the management of Atlantic Striped Bass and any amendment to such a plan (including any amendment to the Interstate Fisheries Management Plan for Striped Bass, dated October 1, 1981), including public hearings and procedures for the submission of written comments to the Commission.''.

(b) DEADLINE.—Within 6 months after the date of the enactment of this Act, the Atlantic States Marine Fisheries Commission shall issue standards and procedures under section 8 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note), as amended by subsection (a), of this section.

SEC. 5. TRANSFER OF EXISTING PROVISION TO ATLANTIC STRIPED BASS CONSERVATION ACT.

So much of section 6 of the Act entitled ''An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes'' (approved November 3, 1988; Public Law 100–589; 102 Stat. 2986) as precedes subsection (g) of that section—

(1) is transferred from that Act to the Atlantic Striped Bass Conservation Act (16 U.S.C. 185 note);

(2) shall appear immediately after section 8 of the Atlantic Striped Bass Conservation Act, as amended by section 4 of this Act; and

(3) is redesignated as section 9 of the Atlantic Striped Bass Conservation Act.

SEC. 6. AMENDMENT AND EXTENSION OF AUTHORIZATION FOR ANADROMOUS FISH CONSERVATION ACT.

(a) SCOPE OF STUDIES.—Section 7(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(a)) is amended by striking ''and'' after the semicolon at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; and'', and by adding at the end the following new paragraph:

''(4) the effects of water quality and other habitat changes on the recruitment, spawning potential, mortality rates, and population abundance of the Delaware River striped bass population.''.

(b) EXTENSION OF AUTHORIZATION.—Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking ''each of the fiscal years 1991, 1992, 1993, and 1994'' and inserting ''each of the fiscal years 1995, 1996, 1997, and 1998''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, today we are considering H.R. 1139, the Striped Bass Conservation Act Amendments of 1995.

Mr. Speaker, before I proceed to explain the bill, I would like to make note that this bill is a product of a high degree of bipartisan work and a high degree of bipartisan support.

While H.R. 1139 carries my name as the primary sponsor this year, in past years very similar legislation carried the names of others, including, as prime sponsor, the gentleman from Massachusetts [Mr. STUDDS]. And, as a member of the minority, I was pleased to have had a great deal of input from the then chairman of the Committee on Fish and Wildlife, so to the extent that I can extend to past Congresses and to the gentleman from Massachusetts [Mr. STUDDS], congratulations for bringing us to this point, it is my pleasure to explain the bill.

Mr. Speaker, as the result of a significant population decline that began in the 1970's, the Atlantic States Marine Fisheries Commission developed an interstate fishery management plan for striped bass. Congress also responded to the decline of striped bass populations by authorizing the Emergency Striped Bass Study in 1979.

In 1984, Congress enacted the Atlantic Striped Bass Conservation Act. The act was originally introduced by my good friend, GERRY STUDDS, the ranking minority member of the Fisheries, Wildlife and Oceans Subcommittee. This act requires a Federal moratorium on striped bass fishing in States that do not implement management measures consistent with the Commission's striped bass plan. Implementation of this plan has led to a resurgence in Atlantic Coast striped bass which are now considered fully recovered.

Mr. Speaker, I think this is one of the times when we can collectively say that this House did something right which culminated in the fully desired result.

H.R. 1139 extends the authorization for the Striped Bass Conservation Act through fiscal year 1996, and extends the striped bass study through fiscal year 1998.

I urge my colleagues to support the continuation of this vital and highly successful conservation effort by voting ''aye'' on this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON] for his graciousness. This is, indeed, an utterly nonpartisan success. It is bipartisan. In fact, I never expected it to be completely bipartisan in my life. It has always had majority and minority support, and I never expected it to be on both sides, but here we are.

Mr. Speaker, let me just say a word and supplement what the gentleman says. This is really a success story, a decade after the passage of the original act, an inspiration to fishermen and to managers that conservation can in fact work.

Ten years ago striped bass stocks along the Atlantic coast had declined to dangerously low levels as a result both of overfishing and pollution. Fishermen and managers alike were concerned that this fishery would soon become endangered. In an unprecedented move, Congress passed the Striped Bass Conservation Act, designed to support State efforts to reverse this trend. The management program established under the act was at the time of its inception in 1984 unique.

It relies upon the States to develop regulations for their waters that are consistent with the Atlantic States Marine Fisheries Commission's management plan for striped bass. If a State fails in its efforts, a Federal moratorium is imposed.

This partnership was so successful that in January of this year, the commission declared the striper to be fully recovered. The implementation of the Federal-State partnership embodied in the act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the East Coast. Fishermen in my State from Martha's Vineyard to Mattapoisett are celebrating the return of the striper, but are mindful of the need to continue the conservation and management programs that have brought this fishery back from the crash of the preceding decade. This bill will ensure this is the case, and I enthusiastically urge Members to support it today.

Mr. Speaker, I yield 2 minutes to another gentleman from New Jersey, Mr. PALLONE.

Mr. PALLONE. Mr. Speaker, I just wanted to thank the two gentleman, my colleague, the gentleman from New Jersey [Mr. SAXTON], and my colleague, the gentleman from Massachusetts [Mr. STUDDS], for putting together this legislation. In particular, both of them have been supportive of language which was placed in the bill that would ensure public participation on all striped bass management plans.

Many people who are involved with striped bass management know that there is a large and vociferous group of recreational fishermen out there who become very concerned about any changes that are made in the management plan. One of the things that they continually tell us is that they want to be involved at every stage in whatever management plan changes are put forward.

This bill and the language that is in the bill guarantee that public participation will do what is necessary to make sure that they have their opportunity to be heard.

I certainly want to thank the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Massachusetts [Mr. STUDDS] for their cooperation in putting that language in the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to rise in support of the Striped Bass Conservation Act amendments and I compliment the author of the bill, JIM SAXTON, for his leadership in moving this important measure.

The Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970s. In fact, striped bass harvests dropped from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect the remaining stocks of Atlantic striped bass.

While the resurgence of striped bass is a major fishery management success, H.R. 1139 will ensure that this remarkable recovery is not compromised in the days ahead.

As reported from my committee, this legislation will reauthorize both the Striped Bass Conservation Act and section 7 of the Anadromous Fish Conservation Act, which funds ongoing striped bass population studies. In addition, the bill focuses attention on stripers in the Delaware River and encourages greater public participation in the writing of management plans.

Mr. Speaker, I urge an "aye" vote on H.R. 1139 and again compliment JIM SAXTON and GERRY STUDDS for their outstanding leadership in this major conservation effort. I would hope more of our fishery management efforts prove to be this successful in the future.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON], that the House suspend the rules and pass the bill, H.R. 1139, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1361, COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 139 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.R. 139

Resolved, That at any time after the adoption of this resolution the speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1361) to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f), section 308(a), or section 401(b) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first two sections and each title of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI or section 302(f) or section 401(b) of the Congressional Budget Act of 1974 are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all

time yielded is for the purposes of debate only.

(Mr. GOSS asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. GOSS. Mr. Speaker, I am very pleased to present this wide open rule for the fiscal year 1996 authorization of our smallest—but hugely important—national armed services, the Coast Guard. I am delighted that our Rules Committee, by unanimous voice vote, agreed to bring this important bill to the House floor under an open rule, allowing all Members the chance to offer amendments under the standing rules of this House. I wish to commend Chairman SHUSTER, Chairman COBLE, and ranking members MINETA and TRAFICANT of the Transportation and Infrastructure Committee for their efforts in bringing us H.R. 1361.

□ 1445

Mr. Speaker, as Members know, this year marks the first time the Coast Guard authorization has been moved through the Transportation Committee and, by all accounts, the transition has gone smoothly. This rule provides for 1 hour of general debate, to be equally divided between the chairman and ranking member of the Transportation and Infrastructure Committee. It makes in order the committee's amendment in the nature of a substitute as the original bill for the purpose of amendment and provides that the substitute shall be considered as read by title. Members should be aware that this rule does provide four specific waivers, including three technical budget act waivers related to section 205 of the bill, and a waiver of the rule that prohibits appropriations within legislative bills, related to section 201 of the bill. This waiver should not cause Members any heartache, since it is necessary to allow the shifting of funds from pre-existing accounts in order to pay for damages to homes of Coast Guard personnel caused by hurricane Andrew. I think that is eminently fair and makes great good common sense and I do not think it is particularly precedent-setting, Let us hope not.

The budget act waivers are necessary because of a provision in the bill that allows Coast Guard officers who were twice passed over for promotion, and have 18 years of service, to continue in active duty until they have served 20 years and are eligible for retirement.

Technically this provides new entitlement authority, although subcommittee Chairman COBLE assured the Rules Committee that this is not in any way a budget buster. In fact, the total cost of this provision has been estimated to at less than $500,000 a year.

Mr. Speaker, I commend Rules Chairman SOLOMON and the committee of jurisdiction for ensuring that Members have a detailed explanation of the waivers needed for this bill. I think it is most important that all committees take seriously the standing rules of the House and come to the Rules Committee well prepared to discuss any specific rules violations in their bills—whether technical or substantive. This to me is great progress in the 104th Congress. I think it makes pretty clear what the issues are and what is being protected and what is not and what the justifications may be.

Finally, this rule provides the minority with its traditional right to a motion to recommit with or without instructions.

Mr. Speaker, the U.S. Coast Guard may be small in size but it is mighty in missions. It is something of a jack of all trades—its responsibilities cover a broad expanse of activity, from drug interdiction and border control to search and rescue. At any given time the Coast Guard might be called upon to support military deployments—as in the Persian Gulf—or respond to disasters—as in the midwestern floods of 1993. Especially in coastal areas—but also across this land—Americans depend on the reliability and efficiency of the Coast Guard. Because of its reputation for excellence and its unfailing willingness to tackle new missions, the Coast Guard has repeatedly been asked to shoulder more duties. In response to the Haiti crisis in the past 2 years, the Coast Guard was asked to become a floating picket line to deter desperate Haitians from taking to the seas in unsafe boats. Coast Guard personnel became directly involved in rescue operations and the very difficult process of repatriation in that Haitian affair as we know. While the exodus from Haiti has ebbed momentarily, just last week, the administration announced a change in its policy toward Cuban refugees that once again places the Coast Guard on the front lines of enforcement upon the high seas, to turn back Cuban rafters and enforce a more orderly process of immigration. That is no small order for them to undertake that. But despite its ever expanding list of missions, the Coast Guard has not been given corresponding resources to ensure that its traditional responsibilities do not suffer. In the last Congress, this House adopted language reaffirming our commitment to providing additional resources to the Coast Guard if new missions are added to its plate. That is just common sense. If we ask them to do more, we are going to give them the money to pay for it.

Today, I am pleased that the committee has agreed to include that language in its amendment, so we will have that again this year. On a more parochial note, Mr. Speaker, under this open rule all of our colleagues will have the opportunity to assist our local communities and private citizens who are involved in seeking to navigate the confusing bureaucracy of the Jones Act. In my district, we have one city and four private citizens who find themselves wound up in redtape as they seek to use vessels for legitimate municipal or commercial purposes. H.R. 1361 already includes a provision that covers one of the southwest Florida victims of the Jones Act redtape in my case, and I am pleased that the committee amendment will include waivers to address the other three cases I know about, and perhaps the bulk of my colleagues' concerns as well will be included in that amendment. If not, if there is still more to be done in this area, this open rule allows Members the chance to bring their amendments forward. I hope all Members will support this open rule, and this legislation.

Mr. Speaker, I include the following for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 5, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	23	74
Modified Closed[3]	49	47	8	26
Closed[4]	9	9	0	0
Totals:	104	100	31	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 5, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17 H.J. Res. 1.	Social Security Balanced Budget Amdt.	A: 255–172 (1/25/95).
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/2/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95)
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			
H. Res. 108 (3/6/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/16/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my Republican colleagues for the rule they are recommending today. So far this year, the rules they have recommended have been 70 percent closed. This is in spite of their promises to open the process in the House.

However, since the rule before us today is an open rule, I must commend the Republican majority.

As my colleague described, this rule provides for the consideration of a relatively noncontroversial Coast Guard authorization.

It authorizes $3.7 billion for the Coast Guard—exactly the amount requested by the administration and only slightly more than last year's authorization.

The 37,000 members of the Coast Guard provide this Nation with invaluable maritime service for everything from search and rescue to drug interdiction and this $3.7 billion will support their good work.

I would like to commend Chairman SHUSTER and ranking member MINETA for putting together a truly bipartisan bill which should pass the House with little opposition.

I urge my colleagues to support this rare open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, it gives me great pleasure to yield 4 minutes to my colleague, the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to denounce the Clinton administration's decision to use this great American institution, the U.S. Coast Guard, to serve the purposes of a tyrant.

We in south Florida are very knowledgeable about the Coast Guard because of the wonderful work they perform during periods of natural disasters such as during Hurricane Andrew where they played a crucial role in the rescue operations.

Those of us who are residents of south Florida also know the Coast Guard as a humanitarian institution because, for years, the Coast Guard has rescued freedom-seeking Cubans from the waters of the Florida Straits while on their journey to freedom.

This humanitarian aspect of the Coast Guard, for which all of America should be proud, was surprisingly reversed last week when the Clinton administration announced the United Stated will now repatriate freedom-seeking Cubans back to the island prison they risked their lives to escape.

The President has now made the Coast Guard an extension of the Cuban authorities, in order to keep the Cuban people under the Castro repression.

Just this afternoon, the first victims of the President's latest flipflop were turned over to the bloody henchmen of Castro.

Mr. Speaker, this change of policy is an embarrassment to the longstanding record of the United States as the beacon of hope and freedom for the oppressed of the world.

With one swift and misguided decision, the Clinton administration has successfully allied itself with the bloodiest tyrant the Americas has ever known, and has crushed the aspirations of freedom for millions of Cubans.

The administration has once again proven that it does not comprehend how to deal with Cuba.

Instead of attacking the root of the problem, Fidel Castro, the President continues to treat Cuba as an immigration problem, not as legitimate foreign policy matter.

Most disturbing is that the President is using the Coast Guard to help maintain Cubans under the oppressive hand of Castro.

This accord, Mr. Speaker, was reached in secret negotiations led by Assistant Secretary of State, Peter Tarnoff.

Not even the head of the Cuban Affairs desk of the U.S. Department of State knew about these dealings, nor the Assistant Secretary for Interamerican Affairs at State.

Moreover, Congress was never consulted on the matter and the administration has been stalling on details about the talks.

Many questions still remain unanswered such as what concessions were given to Castro, and whether it is just a simple coincidence that, just few days before the new policy announcement, the administration publicly declared its opposition to the Helms-Burton bill.

The administration must come forth with answers to these and other questions which are critical to untangling the purpose of this new policy.

Mr. Speaker, the Coast Guard has been an exemplary institution of this country for decades.

We should not allow the administration to use it as a tool to aid a totalitarian tyrant.

I urge my colleagues to raise their voices against this distortion of the Coast Guard's mission.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.

Mr. TRAFICANT. Mr. Speaker, I rise in support of this rule, and I rise in

support of this bill and in support of the new chairman of this subcommittee, the gentleman from North Carolina [Mr. COBLE]. I do not believe there is anybody better prepared in the Congress to head the mission of this Congress in deliberating these matters, save for maybe the gentleman from Massachusetts [Mr. STUDDS], his vast knowledge of working with the committee over the years.

However, I have one concern with the bill. I am going to vote for this bill regardless if the amendment I propose passes or not, but the Coast Guard, Congress, has been known for safety. There is a provision in this bill that allows for the closing of 23 small boat stations.

The bill gives an opportunity for the Coast Guard to work out all kinds of safety parameters here, to ensure that there will be adequate safety, et cetera, et cetera, but the truth of the matter is, ''Scarlett, quite frankly, I don't buy it.''

We have had testimony offered to us that the last time some of these small boat stations were closed, there was an accompanying loss of life. The Coast Guard has one mission. That is safety.

What the Traficant amendment is dealing with financially, Congress, is $3 million; $3 million could be taken out of transportation, taken out of some expense account. Under the Traficant amendment, it says they could transfer everything out of these small boat stations but they must leave one pair of eyes of a Coast Guard full-time official, one pair of hands, one pair of eyes.

Let me caution Congress: With all of these beautiful ideas of these weekend warriors, be careful, Congress. There are an awful lot of other good amendments, after the Traficant amendment is considered, that will put some extenuating circumstances and criteria that speak to safety.

The truth of the matter is there is only one amendment today that will stop these closings. Every one of those other amendments will get a quick-over, fancy report and they will close those small boat stations.

The Traficant amendment says those small boat stations will not be closed. They could transfer everything they want out of there, but they must leave one full-time personnel to coordinate those local efforts.

Congress, that is good sense. We are here to set policy. We have given the executive branch so much authority in so many areas, we are now not even getting votes on major issues, including bailouts of Mexico.

I am recommending to the Congress that the policy of the Congress be the Coast Guard is an excellent, excellent American service. Its No. 1 mission is safety. We will retain it and keep its mission as safety. When you get a chance, consider that in any regard.

I will support this bill under any circumstances. It is a good bill. I commend the chairman, the gentleman from North Carolina [Mr. COBLE] for his outstanding effort.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I also wanted to commend the Committee on Rules, as well as the chairman of the Subcommittee on Coast Guard and Maritime Transportation, for supporting an open rule on this Coast Guard authorization bill.

I did want to say, though, that I totally, 100 percent agree with the gentleman from Ohio [Mr. TRAFICANT], the ranking member, that his amendment, the Traficant amendment, if you will, is the only amendment that will assure that the 23 small boat unit stations are not closed.

I remember because when I was first elected to Congress back in 1988, they had recently, the Coast Guard had recently proposed closing a number of stations, Coast Guard stations around the country, including the one that I represent at the Shark River Inlet. The effects of those closures at the time were widespread.

I think many Members know that over the years, the Coast Guard committee and this Congress have added more and more responsibilities to the Coast Guard, whether it be to enforce against drug trafficking, to enforce our environmental laws, to enforce our fishing laws. More and more work every year goes to the Coast Guard, and at the same time we have been providing some additional funds for the Coast Guard.

□ 1500

But to suggest, as this small boat unit closure plan does, that all of a sudden now there are this minute 23 stations around the country that are no longer needed at a time when the amount of incidents, search and rescue incidents as well as all of the other jurisdiction the Coast Guard now has, and that traffic increases every year, to suggest this is the time to make these kinds of closures I think makes no sense.

In addition, although I understand there are amendments out there and the rule provides for an open rule where all of these amendments can be heard, all of the other amendments, as the gentleman from Ohio [Mr. TRAFICANT] said, will basically allow the Coast Guard to close these 23 stations and others and look for some sort of alternative, either the State or locality or auxiliary, to step in and perform those functions also, let me assure my colleagues in the State of New Jersey it is not possible through our State of New Jersey through our marine police or Coast Guard auxiliary or local fire departments or whatever to step in and take over the responsibilities that the Coast Guard has at these various stations. That is why it is very important we pass the Traficant amendment today.

I appreciate the fact we have an open rule, and I also appreciate the fact that the chairman, Mr. COBLE, has tried very hard to do what he can to cooperate with those of us who are concerned about these closures. But I sincerely believe the only way we can make sure that the closures do not occur is by passing the Traficant amendment.

Mr. FROST. Mr. Speaker, I have no other Members in the Chamber requesting time at this point, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, we have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 961, CLEAN WATER AMENDMENTS OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–114) on the resolution (H. Res. 140) providing for consideration of the bill (H.R. 961) to amend the Federal Water Pollution Control Act, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING 1995 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH CAPITAL GROUNDS

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H.Con. Res. 64) authorizing the 1995 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. WISE. Reserving the right to object, Mr. Speaker, I do not plan to object, and I yield to the gentleman from Maryland for an explanation of his request.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the concurrent resolution before us would authorize the 1995 Special Olympics Torch Relay to be run through the Capitol Grounds on May 19, 1995, as part of the journey of the special olympics torch to the Special Olympics Summer Games at Gallaudet University here in the District.

Under the resolution, the Capitol Police Board will oversee the run and the Architect of the Capitol is responsible for establishing the conditions and making preparations necessary for the event.

This is an annual event and one which Congress has approved several times before. This year approximately 60 local and Federal law enforcement agencies throughout the region will participate in this 26-mile relay run

through the city in support of the Special Olympics. As we all know, this program gives handicapped children and adults the opportunity to participate in athletic events.

Because of laws prohibiting open flames on Capitol Grounds, and because of safety concerns about activities taking place thereon, this resolution is necessary to permit the relay to occur. The resolution authorizes the Capitol Police Board to take necessary action to insure the safety of the Capitol, and the Architect of the Capitol may set forth conditions on participation in this event.

Activities will begin on Capitol Hill where the U.S. Capitol Police will host opening ceremonies and thereafter over 1,000 law enforcement officials will relay the torch through the city to Gallaudet University where the D.C. Special Olympics Summer Games will be held.

Mr. Speaker, this is a very worthwhile endeavor and I strongly encourage my colleagues to support the resolution which authorizes the event.

Mr. WISE. Mr. Speaker, I join my colleague in supporting use of the Capitol Grounds for the Special Olympics Torch Relay Run. As has been the custom, law enforcement officials from over 65 Federal and local agencies will relay the special olympics torch through the District to Gallaudet University to signal the beginning of the Special Olympics.

The event is scheduled this year for May 19. Since this date is a week from this Friday, we need to act on this legislation expeditiously.

This is a very worthwhile event which benefits not only the families and participants but also the volunteers and sponsors who contribute their time and efforts for handicapped children and adults.

I ask my colleagues to join in supporting this resolution.

Mr. MINETA. Mr. Speaker, the Special Olympics is a program which gives handicapped children and adults the opportunity to compete in sporting events and thereby enhance their self-esteem and self-image.

The Torch Relay Run through the Capitol Grounds is an annual event which this committee has traditionally supported and I am very pleased once again to support the resolution authorizing use of the grounds for this very worthwhile endeavor.

I commend both the gentleman from Maryland [Mr. GILCHREST], chairman of the Subcommittee on Public Buildings and Economic Development, and the gentleman from West Virginia [Mr. WISE], the subcommittee's ranking Democrat for moving this resolution in a timely fashion. The event is scheduled for May 19.

I join my colleagues in urging passage of this resolution.

Mr. WISE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 64

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 19, 1995, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1995 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 64.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 743

Mr. FATTAH. Mr. Speaker, I rise to ask unanimous consent to remove my name as cosponsor of H.R. 743, the Teamwork for Employees and Management Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Speaker, I was unavoidably absent from the vote when rollcall No. 304 and rollcall No. 306 were taken last week. I would have voted in the affirmative in both matters if I had been present.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter on H.R. 1361.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 1996

The SPEAKER pro tempore. Pursuant to House Resolution 139 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1361.

□ 1507

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1361) to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes, with Mr. DICKEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many Americans, and for that matter many Members of this body, do not really know the Coast Guard. I want to introduce the Coast Guard that I know to those uninformed about America's oldest continuous seagoing service.

The Coast Guard is the butt of many jokes, some submitted good-naturedly, some submitted maliciously. Many refer to the Coast Guard as the shallow water Navy, hooligan Navy, as shallow-water sailors or hooligan sailors.

Even Hollywood gets into the act. A recently released movie depicted a military force about to depart on a combat mission. The commander of the force said to his group, ''Be careful, men.'' One of his troops replied, ''If I wanted to be careful, I would have joined the Coast Guard.''

This comment, of course, drew wild laughter from the moviegoers and was yet another example of a joke at the expense of the Coast Guard. Permit me to identify those who do not consider the Coast Guard a joke.

The wife whose husband was adrift in a treacherous sea was rescued by the Coast Guard. The husband whose wife was stranded at sea in a disabled vessel rescued by the Coast Guard. Property owners whose property could have been destroyed by oil spills, property protected and saved by the Coast Guard. Seamen who rely upon accurately marked aids to navigation maintained by the Coast Guard. The mama and daddy whose child is hauled from the grasp of an angry sea by a Coast Guard helicopter crew.

In the poem, Mr. Chairman, entitled ''The Coast Guard Cutter,'' the poet vividly and emotionally portrays these lifesavers as legitimate heroes:

But the men that sail the ocean
In a wormy, rotten craft,
When the sea ahead is mountains
With a hell-blown gale abaft;
When the mainmast cracks and topples
And she's lurchin' in the trough—
Them's the guys that greets the Cutter
With the smiles that won't come off.
When the old storm signal's flyin'
Every vessel seeks a lee,
'Cept the Cutter, which ups anchor
And goes ploughin' out to sea.
When the hurricane's a-blowin'
From the Banks to old Cape Cod,
Oh, the Cutter, with her searchlight,
Seems the messenger of God.

* * * * *

She goes thumpin' and a bumpin'
When the waters are a hell,
Savin' ships. Here's to you, Cutter,
For we like you mighty well!

This is the Coast Guard, Mr. Chairman, I want to introduce to my colleagues today who may not know her, as we debate and discuss the 1996 authorization bill for the Coast Guard.

Mr. Chairman, I rise in strong support of H.R. 1361. Before I discuss this bill, I would like to thank the distinguished chairman of the full committee, Mr. SHUSTER, our ranking minority member, Mr. MINETA, and the ranking minority member of the Coast Guard and Maritime Transportation Subcommittee, Mr. TRAFICANT, and their staff for their help and cooperation on this legislation. H.R. 1361 was developed in a bipartisan manner, and deserves the support of all the Members.

The primary purpose of H.R. 1361 is to authorize funds for the U.S. Coast Guard for fiscal year 1996. H.R. 1361 authorizes the portion of the Coast Guard budget that requires an annual authorization at the level requested by the President, approximately $3.7 billion. This is compared to the fiscal year 1995 appropriated level for these programs of $3.6 billion.

Specifically, this legislation includes approximately $2.6 billion for operating expenses, $428 million for acquisition of vessels, aircraft, and shore facilities, and $582 million for retired pay. The bill also authorizes reductions in Coast Guard operations, including personnel reductions and the closure of 23 search and rescue stations.

Also included in the bill is a provision to allow us to more closely monitor the Coast Guard drug interdiction mission. In 1989, the Coast Guard spent 24 percent of its operating budget on drug interdiction. Since fiscal year 1994, Coast Guard drug interdiction funding has been reduced by $21 million. Last year, less than 9 percent of the Coast Guard's operating funds were devoted to drug interdiction because the Coast Guard was forced to divert a large amount of its resources to respond to the crises in Haiti and Cuba. I fear that a continuation of this low level of funding will increase the amount of illegal narcotics being smuggled into our country. Admiral Kramek testified before our Coast Guard and Maritime Transportation Subcommittee that the Coast Guard plans to spend about 12 percent of its operating budget on drug interdiction during the next fiscal year. Because this is such an important Coast Guard mission, section 103 of H.R. 1361 requires the Secretary of Transportation to submit to our committee quarterly reports on Coast Guard drug interdiction expenditures. This will give us timely information on this important topic, and allow us to act to prevent a diversion of resources to any other Coast Guard activity.

Title II of H.R. 1361 deals with several internal Coast Guard personnel management matters.

Title III of the bill addresses issues related to navigation safety and waterway services management. This title renews several important navigation safety advisory committees which advise the Coast Guard on matters relating to marine safety issues.

Title IV of this legislation includes several miscellaneous provisions. One of these sections exempts dedicated oilspill response vessels from certain requirements that apply to oil tank vessels. It is not appropriate to regulate oilspill cleanup vessels in the same manner as commercial oil tank vessels. This section in the bill gives the Coast Guard the authority to prescribe appropriate manning requirements for oilspill response vessels by regulation.

Title IV also contains several commonsense amendments to the Oil Pollution Act of 1990, including a provision which requires the Coast Guard to regulate edible vegetable oils differently than toxic petroleum oils. I strongly support this change which will end an unnecessary and damaging burden on our Nation's farmers.

Title V of H.R. 1361, Coast Guard Regulatory Reform, is important in establishing U.S. ship construction and operational standards that are comparable to international standards. These provisions will allow the U.S. maritime industry to be more competitive with foreign ocean carriers.

Title VI of the bill contains several provisions related to U.S. vessel documentation, including several limited Jones Act waivers.

Title VII of the bill contains many technical and conforming amendments suggested by the Coast Guard, including provisions to implement the new International Tonnage Convention for the measurement of vessels.

Finally, title VIII of H.R. 1361 contains amendments to allow the U.S. Coast Guard Auxiliary, a 36,000 member voluntary organization, to provide assistance to the Coast Guard and the boating public that the Commandant finds appropriate.

At the appropriate time, I will offer an en bloc amendment which makes several technical corrections and includes several noncontroversial amendments to the bill.

I urge the Members to support this legislation.

□ 1515

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as an original cosponsor of this bill, I rise in strong support. It represents a commonsense approach to a wide range of issues that face our Coast Guard.

The bill was drafted in a bipartisan fashion, and I commend the distinguished Chair of the subcommittee, the gentleman from North Carolina [Mr. COBLE], for his efforts. Nobody in the Congress is better prepared to lead this subcommittee than the gentleman from North Carolina [Mr. COBLE] who is in fact a veteran of Coast Guard affairs. I am sure the other person in here, the gentleman from Massachusetts [Mr. STUDDS], who is not present, after the wealth of knowledge he gained on that committee for years, also I think is a valuable resource. I commend the chairman. I am proud to work with him.

I want to also commend the chairman of the new Transportation Infrastructure Committee, the gentleman from Pennsylvania [Mr. SHUSTER]. He has done a tremendous job. I am proud to support him, and our ranking member, the gentleman from California [Mr. MINETA]. I want to commend the Coast Guard and also the administration for their assistance.

Many of the provisions before us were proposed by the Coast Guard. They had merit and were, in fact, thus incorporated into this bill.

I want to specifically commend the Commandant of the Coast Guard, Admiral Kramek, for the strong commitment he has to fighting drugs and the extraordinary efforts the Coast Guard has made in the area of drug interdiction.

I am confident that under the leadership of the good admiral, the Coast Guard will continue to play a vital role in the war on drugs as well as the other missions.

This bill includes a provision that requires the Coast Guard to report quarterly to Congress on the amount of money that the Coast Guard is devoting, in fact, to drug interdiction. This provision will allow the committee to monitor and get an accurate account, a snapshot, if you will, of how well the Coast Guard is perhaps performing its duties in the areas of drug interdiction.

I look forward to working with the chairman, the gentleman from North Carolina [Mr. COBLE], and Admiral Kramek to ensure that the Coast Guard has the resources necessary to get that job done.

I would like to note the bill includes a Buy American provision I inserted in the bill. It is a modest provision. It puts the Coast Guard on notice that Congress expects the Coast Guard, whenever practicable, to purchase American-made equipment and products.

But for the time being, I would like to talk about an amendment I intend to offer that I believe makes the bill a great bill. As well as other Members of this Congress, I have concerns of the closing of 23 multimission small boat stations that are on track here to be in fact closed.

Now, I know there are a number of amendments that speak to some criteria and procedures about this safety concern and this closing apparatus, but the truth of the matter is, any and all of these amendments, if passed, will amount to one official action here today: These 23 stations will be closed. They will have some nice language. There will be some little exercises people will go through, but they will be closed.

And here is my concern: Passage of the Traficant amendment, or failure to pass it, will have no bearing on my final vote. I support this bill. But let me get right to the point. We have had testimony before the Congress that is clear and explicit.

The last time Congress allowed for the closing of small boat stations, lives were lost. The Coast Guard has a major mission: safety.

The Traficant amendment deals with $3 million in finances. Now my staff tells me maybe $2 million; $2 million in savings from the closing of the stations to jeopardize possible lives could be garnered by making some administrative adjustments in travel or expense. So let us not talk about money.

When the Coast Guard starts to be driven by financial concerns, then the major issue of the Coast Guard, safety, has been in fact, compromised.

The Traficant amendment would bar the Coast Guard from closing any of these stations, but it would still give the Coast Guard the flexibility in transferring resources as long as some active-duty personnel remain. For example, here is what the Traficant amendment will do: They could transfer out nearly every part of that station, but the Traficant amendment says one full-time Coast Guard personnel officer shall remain to coordinate and stabilize programs that are in fact operated with cooperation of the auxiliary.

I use the words ''weekend warriors''; that is not a fair explanation of our auxiliary. The auxiliary is a great force we have for the Coast Guard. I do not want my words to seem demeaning.

As a former sheriff, let me tell you something, ladies and gentlemen, when you take away full-time personnel, you do not have the same focus that you once had.

Now, if we are going to have a voluntary Coast Guard in 23 stations, that will be the decision that you will make and you will vote for, JIM TRAFICANT cannot accept that, and I am saying for this $3 million, Congress, do not close these stations.

Now, I have heard all of that business about the Congress cannot micromanage. My God, let us forget micromanaging. We set policy. The policy the Congress would be setting through the Traficant amendment is, ''Coast Guard, save lives. The Congress of the United States charges you with saving lives.'' If there is a problem on money, we will talk about it. But the Congress of the United States saying our policy is find that $3 million somewhere else.

Now, I do not know how else we can save that. The Coast Guard's own analysis indicated that for each small boat station closure, there would be at least one additional life lost every 12 years. I find any Government prospectus that, in fact, delineates the future loss of life from an action taken by this Congress is totally unacceptable, without merit, and should not be tolerated by the Congress itself.

But in any regard, there has been a substitute passed in the committee. That substitute gives flexibility to the Coast Guard to deal with safety issues, but I do not believe the Congress of the United States should delegate lives when there is documented evidence of the loss of life on record.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I had a question to the gentleman and the chairman, if he might.

Is it your understanding that the amendment offered by the chairman, and adopted in committee, which amends section 1016(c) of the Oil Pollution Act of 1990 provides an exemption for marinas from the requirement to demonstrate $150 million in financial responsibility under that section?

Mr. TRAFICANT. The answer I would have would be yes. I would defer to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I concur with the gentleman from Ohio. I say to the gentleman from Connecticut that is, indeed, correct.

Mr. GEJDENSON. I thank both gentlemen, for this is an issue critically important. It would have devastated most of the small boatyards along the shore. I commend them for their action.

Mr. GEJDENSON. Mr. Chairman, I rise in support of H.R. 1361, the Coast Guard Authorization Act for Fiscal Year 1996. I want to thank Chairman SHUSTER and Ranking Member MINETA for bringing this bill to the floor today.

This bill authorizes the important activities of the U.S. Coast Guard for fiscal year 1996. My district is home to the Coast Guard Academy and the Coast Guard Research and Development Center. I am pleased that the bill authorizes $22.5 million for R&D. The R&D Center serves the entire Coast Guard and is involved in wideranging research to improve maritime safety, aids to navigation, and oil spill detection. As everyone knows, the Academy is responsible for training the next generation of Coast Guard officers.

I also support this bill because it includes language similar to legislation I have introduced, H.R. 1002, to provide relief to marinas from onerous financial responsibility requirements of the Oil Pollution Act of 1990 [OPA 90]. Under section 1016 of OPA, offshore facilities handling petroleum products are required to demonstrate $150 million in financial responsibility to cover the costs of cleaning up oil spills. While I believe this is entirely appropriate for entities handling large volumes of heavy oil, the Minerals Management Service [MMS], which is writing the regulations governing this section, has interpreted it to apply to marinas. This interpretation would be devastating to marinas and detrimental to millions of boaters coast to coast.

As my colleagues know, marinas are overwhelmingly small businesses which handle relatively small amounts of gasoline and diesel fuel. They do not pose a major threat to the environment. In fact, according to the Coast Guard, in fiscal year 1993 fuel spills from marinas totaled a little more than 9,000 gallons nationwide. Under the MMS proposal, marinas would be required to have insurance policies providing $150 million in liability coverage. According to the Marina Operators Association of America [MOAA], such policies would carry premiums between $150,000 and $450,000 per year. The vast majority of marinas could not afford this expense and would be forced to close their fuel docks. This would have adverse effects on their businesses as well as millions of Americans who fuel their boats safely and conveniently at marinas. I am also concerned that if fuel docks are closed, many boaters would begin carrying fuel in their cars and transferring it to boats with funnels. This practice would substantially increase the likelihood of spills and accidents.

Under an amendment offered by Mr. COBLE and adopted by the Transportation Committee, marinas would be exempt from the financial responsibility requirements. While this amendment goes beyond the scope of my bill, I am pleased that marinas will be protected. I want to take this opportunity to thank Mr. COBLE and Mr. TRAFICANT and their staffs for working with me on this issue. This amendment will protect small businesses as well as ensure that boaters continue to have access to fuel in a safe, convenient, and environmentally sound manner.

Mr. Chairman, I urge my colleagues to support H.R. 1361.

Mr. TRAFICANT. Let me say to the gentleman from Connecticut I believe the language that goes beyond Congress' stopping these closures will ultimately bring us into concerns that you ultimately have. I would recommend, if your concern lies in those areas, to give us consideration.

Mr. Chairman, I reserve the balance of my time.

Mr. COBLE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee.

Mr. SHUSTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise in strong support of this legislation.

Sometimes here in Washington we confuse what is controversial with what is important, and even though this legislation is not controversial, it is extremely important.

Let me share with you what the Coast Guard does for America on the average day, 365 days out of the year. Every day, on average, our Coast Guard boards 90 large vessels for port security checks, processes 120 seamen's documents, seizes 209 pounds of marijuana and 170 pounds of cocaine, worth $9.2 million, conducts, and get this, conducts 191 search and rescue missions, responds to 34 oil or hazardous chemical spills, conducts 120 law enforcement boardings, identifies 65 violations, investigates 17 marine accidents, inspects 64 commercial vessels, saves 14 lives, assists 328 people, saves $2.5 million in property, services 150 aids to navigation, and interdicts 176 illegal immigrants.

So, while this legislation is not controversial, has strong bipartisan support, it is extremely important legislation. In fact, it provides $3.7 billion a year to perform these missions.

Our Coast Guard today is represented by 37,000 active duty personnel, 8,000 reservists, 6,000 civilians, and over 35,000 volunteers. I know of few agencies in Government where the number of volunteers, over 35,000, virtually equals the number on active duty as in the Coast Guard.

So we have a Coast Guard that is deeply involved every day in making life better for the American people.

Our Defense Department and the people in the military certainly do a fine job, but they spend most of their time training. In fact, we hope that they never have to go into actual action.

□ 1530

The Coast Guard, however, quite to the contrary, every day is involved in performing vital services for the American people 365 days a year. So I urge strong support for this legislation. Our Coast Guard deserves nothing less.

Mr. COBLE. Mr. Chairman I yield back the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO], a fine member of the Committee on Transportation and Infrastructure.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding this time to me.

Mr. Chairman, I am going to speak particularly to the Traficant amendment which will be before this body soon. The question that must be decided by this Congress:

Is one-tenth of 1 percent of the Coast Guard budget too much to prevent loss of life?

We heard already the actuarial statistics from the Coast Guard, cold numbers; that is, once in 12 years each of these 23 stations will experience a loss of life because of the closures. That means two lives per year. We are saving $2.6 million for two lives per year if we believe the Coast Guard estimate. The last time the Coast Guard closed these 2 life saving stations in my district five people drowned within a 2-month period, so maybe they are off by factor of two, or three, or five.

I say to my colleagues, however you look at it, if you use the most conservative estimates, we're going to say that there is not one-tenth of 1 percent of waste in the entire $2.7 billion operating budget of the U.S. Coast Guard? If that agency is run so well that there is not a penny of waste, then we should put them in charge of the Pentagon, we should put them in charge of HUD, we should put them in charge of all of the Federal Government of the United States of America. Is there anybody on this side of the aisle who believes there is any Federal operation, any Federal agency, that doesn't have one-tenth of 1 percent of savings they can't find if they look hard? That's what we are debating here, lives. We're going to lose lives; people are going to die. I can put names to the people who died in my district the last time we did this. Five people in 2 months, but they tell us, ''No, it will only be two people a year.'' Well, even if it's one person a year, I believe that this body will be making a mistake if it doesn't tell the Coast Guard to go back to the drawing boards, find that one-tenth of 1 percent of savings and fully fund these life saving stations.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, again, as part of the general debate, I wanted to indicate very strongly that this is a good bill other than the fact that the Coast Guard has proposed closing these 23 stations around the country. The problem that I see, and again the gentleman from Oregon [Mr. DEFAZIO] already pointed it out, is that, when these closures occurred back in 1988, for a period of time there were deaths, and there were serious incidents that occurred without the Coast Guard presence, and we do not want that to occur again. We have had documentation of the problems that occurred when many of these stations that are now proposed for closure were, in fact, closed going back 6 or 7 years ago.

I always try to look at these things from what I would call a cost-benefit analysis, if my colleagues will. Think about what we are talking about here. The Coast Guard has estimated that closing these stations will save about $6 million. Various estimates that have been composed today go lower than that, to 3 million, or perhaps $2 million, but all of those things assume that a certain number of lives will be lost because of these stations being closed. Again I find that unacceptable.

One of the biggest problems that I have also with the proposed streamlining and closure of the stations is the fact that it assumes that State, or local or nonprofit agencies will take up the slack, that somehow, if we close these stations, that the State; for example, in New Jersey the State Marine Police, or the local municipal fire department, or the Coast Guard Auxiliary, are going to step in and pursue those search-and-rescue functions. It is not the case. That assumption is a false one.

I say to my colleagues, if you look at my own State of New Jersey, our own State Marine Police has been downsized considerably during the last few years. The local fire departments in some cases may have a boat or some person who has some knowledge of boat safety, but not enough to step in, and even when we talk about the Coast Guard Auxiliary and suggest somehow they're going to take over this responsibility, let me assure you that, if the station closes and there is no regular Coast Guard personnel at that station, the Coast Guard Auxiliary won't be able to perform these function either. One of the beauties of the Auxiliary is that they work with the Coast Guard, so what we're saying over and over again is this is not an acceptable solution.

We need support for the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding me the time.

Mr. Chairman, I rise in support of the Coast Guard bill and, in particular, the Traficant amendment to H.R. 1361.

In my district in northern Michigan, it has more coast line than any other congressional district except Alaska, but yet the Coast Guard is proposing to close Station Marquette located in the middle of the Upper Peninsula of Michigan, and they plan there to operate a search and rescue on this vast Northern Michigan Peninsula from the extreme ends of the peninsula in Portage and Ste. St. Marie. Now the shore line of Lake Superior up there is about 500 miles long, and our search-and-rescue missions will be on the extreme ends instead of in the middle where Marquette is, and at Marquette they have a 44-foot lie boat capable of operating in the hazardous waters of Lake Superior. Now, if we are going to have to rely upon Ste. St. Marie and Portage to come over with a 44-foot boat for search and rescue from Ste. St. Marie, it takes 14 hours in a 44-foot boat, and, from Portage, 6½ hours.

I know that the distinguished chairman may argue, and has argued in a Dear Colleague letter, that the Coast Guard has a nationwide system of air stations with helicopters for search and rescue which is much faster than these 40-foot boats. I would agree that the problem is in northern Michigan there are no helicopters in the Upper Peninsula. They must come from the Lower Peninsula, and then, when they finally get from the Lower Peninsula to the Upper Peninsula of Michigan, they have to stop and refuel. So it

costs not only precious lives, but also many valuable seconds in search and rescues and having to wait for helicopters coming from another part of the State to try to patrol the areas of northern Michigan. In Marquette county alone there are over 8,000 recreational boaters, and we should not put these people at risk by closing down their station. Marquette is a major shipping destination.

Marquette is also a major shipping destination in the Great Lakes, and more than 7½ million tons of iron ore flows from Marquette, but the Coast Guard, besides search and rescue, must also enforce our environmental laws, our law enforcement laws, fishing regulations, so it does not seem practical, at least from this point of view, that we close down Marquette, not just for search and rescue, but also for enforcement of environmental laws, pollution laws and fishing laws.

So we, in the past few years, we have asked the Coast Guard to continue to expand their services. They have. It has put great strain on their budget. We understand that, but I do not think at this time we can stand here and in a straight face say we can jeopardize lives, environmental laws, law enforcement of our Nation's waters, to save a mere $3 million in a multibillion dollar budget. So I strongly urge my colleagues to support this bill and, more importantly, to support the Traficant amendment.

Mr. TRAFICANT. Before yielding back my time, let me say this:

With 60-miles-per-hour winds and no visibility these real high-tech helicopters are about as useful—I better not say it. My colleagues know what I am talking about from razorback country.

This is an excellent bill. None of the debate that has come from this side of the aisle is to any way take away from this bill and the first effort of this fine chairman.

I was hoping that maybe we would come to some understanding on the limited amount of money and the Congress of the United States would say: ''Fine, we're willing to negotiate and give you a free reign. You've done a good job, Coast Guard, but one thing we can be sure of. When we have information that says lives can be placed at risk, the decision is easy. The Congress will not allow the dice to be rolled.''

I am hoping the Congress will be able to look at that, pass that one amendment. It could make this a great bill. But in any regard I am going to vote for this bill. I support the efforts of this fine chairman. I commend him for his efforts here today.

Mr. Chairman, having talked so long, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I would like to engage in a colloquy between myself and the gentleman from North Carolina [Mr. COBLE].

I rise today to engage in a colloquy to confirm my understanding of the impact of the Coast Guard reauthorization bill on Santa Cruz, CA.

Am I correct in my understanding of the bill that the substation will not be closed if public safety is endangered by departure of the Coast Guard presence?

Mr. COBLE. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from North Carolina.

Mr. COBLE. That is correct, sir.

Mr. FARR. Mr. Chairman, am I correct in assuming that a substation could remain open according to this bill if a community could come together to create a reasonable solution to maintaining limited Coast Guard presence without incurring costs associated with maintaining a Coast Guard substation facility?

Mr. COBLE. Is there a situation such as that in the Santa Cruz Port District?

Mr. FARR. Yes, Mr. Chairman. The Santa Cruz Port District has offered to retain crew quarters in the current building. It has also offered to provide patrol boat berthing adjacent to the current Coast Guard building, and provide a communications network. The Port District would also maintain the premises and provide administrative support to meet any needs that the Coast Guard has in deploying resources to the Santa Cruz Harbor District. Personnel cost would be minimal as Coast Guard reservist would man the facility and a Coast Guard presence would be required only on weekends during summer months. Essentially, the community would provide for all costs associated with maintaining the substation. Does this sound like a reasonable solution?

Mr. COBLE. If the gentleman would yield, it does indeed sound reasonable, and it is my belief that this bill would not prohibit such an approach from occurring.

Mr. FARR. I thank the gentleman very much for that understanding, Mr. Chairman, and I say to the gentleman, I look forward to working with you.

Mr. TRAFICANT. Mr. Chairman, I urge the Congress to support the Traficant amendment and the bill, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 1361, the Coast Guard Authorization Act. When the House considered similar legislation in the previous Congress, I offered an amendment directing the Secretary of Transportation to submit an annual report to the relevant House Committee and the Senate Committee on Commerce, Science and Transportation no later than April 1.

This report was to have described in detail the status of implementation of the vessel traffic service [VTS] in all ports ranked in the port needs study issued by the Coast Guard in 1991. However, the Coast Guard authorization was not enacted in the 103d Congress.

While the VTS system has yet to be implemented in Tampa, after a number of meetings with Coast Guard officials, I am satisfied that the Coast Guard is committed to implementation of this important service as soon as is practicable. For this reason, I am not offering my amendment today.

My interest in the VTS began when on August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay in Florida, between two tug/barges and a 357-foot freighter. This accident resulted in a thunderous explosion that shot a fireball hundreds of feet into the air. In addition, approximately 380,000 gallons of oil spilled into the Gulf of Mexico. The cost of the clean-up of this spill was enormous—several million dollars at least.

Mr. Chairman, this was not the first accident to occur at the mouth of Tampa Bay. Many of us remember the disaster that occurred in May 1980, when a freighter ran into the Sunshine Skyway Bridge causing one of its spans to collapse. Some 40 people were killed.

In fact, the Tampa Bay area has been prominently listed by the Coast Guard as a danger area for cargo ships carrying hazardous materials. As I mentioned earlier, in 1991, the Coast Guard conducted a port needs study on 23 ports across the United States. The goal of this study was to recognize the ports that are most prone to accidents. The study ranked Tampa Bay as one of the top 10 most dangerous ports.

The Coast Guard VTS is designed to prevent these types of accidents, and the VTS has been successfully implemented by the Coast Guard in several major port areas.

The VTS functions like an air traffic control system. It tracks vessels by radar and assists them in navigating through hazardous areas.

Unfortunately, however, under the fiscal year 1995 transportation appropriation bill, further implementation of the VTS was pushed back yet another year because, and I quote from that bill's report language: ''Subsequent to the transmittal of the budget, the committee was advised by the Coast Guard that the schedule for the VTS 2000 program had slipped.''

The report goes on further to say: ''Review of the program's operational requirements and associated cost estimates took the Coast Guard much longer than anticipated.''

Mr. Chairman, the VTS is a vital program that can potentially save lives and save money. Therefore, we cannot afford vague promises and further delays due to undetermined slippage—and I believe we have moved beyond this state of affairs. However, I will be working closely with the Coast Guard and the Department of Transportation to ensure that the VTS is implemented as soon as possible.

This was the purpose of my amendment in the last Congress and I was pleased that it was adopted by this Chamber without dissent. VTS is a cost-effective answer to environmental disasters, such as the one that took place in Tampa Bay in 1993. Nationally, the cost to clean up these types of accidents far exceeds the funding requested by the Department of Transportation to operate the VTS program.

Mr. Chairman, I want to be clear that I believe the Coast Guard must speed up its implementation of the VTS in all the ports listed in the port needs study. Likewise, I believe it is imperative that this Congress work with the Coast Guard in making sure that this fiscally responsible program is put into place.

I express this desire, not only in memory of the lives that have been lost in accidents such as those that I have described, but for the

sake of the lives we will save through the VTS program.

Mr. REED. Mr. Chairman, I rise in support of H.R. 1361, the fiscal year 1996 Coast Guard Authorization bill.

In particular, I want to thank the chairman and ranking Democrat of the Coast Guard and Maritime Transportation Subcommittee for including a number of Rhode Island specific amendments in the bipartisan en bloc amendment.

Mr. Chairman, the Coast Guard is vital to the safety of our Nation's commercial fisherman, pleasure boaters, and merchant mariners. Each year, Coast Guardsmen and women save thousands of Americans from death at sea. In addition, these brave men and women help prevent many more tragedies through education and prevention programs, including efforts to curb boating under the influence. H.R. 1361 aims to continue this tradition of vigilance, and it has my full support.

This legislation will also provide specific relief to several vessel owners in Rhode Island, who currently cannot engage in the coast-wise trade because of the Jones Act. By providing Jones Act waivers for the *Isabelle* and three Harbor Marine barges and a fisheries waiver for the *Aboriginal,* the House will ensure that the owners of these vessels will be able use their boats as intended. The *Isabelle,* an historic ketch built in Scotland in 1924, will be used as a charter boat. Harbor Marine Corporation's barges will have clear titles. Last, the *Aboriginal's* owner, a disabled firefighter and Vietnam veteran, will finally be able to start his charter fishing business.

In addition, the chairman's en bloc amendment will permit the transfer of un-used Coast Guard property on Block Island, RI to the town of New Shoreham. The people of Block Island have leased this property for a number of years for education, police activities, harbor safety efforts, and environmental protection. In addition, the town has made over $60,000 in repairs and alterations to the buildings on the property, including new wiring, heating, windows, and a roof. It is my understanding that the Coast Guard supports this transfer, and I thank the chairman and Mr. TRAFICANT for including this provision in the en bloc amendment.

While I believe this legislation contains many important initiatives, I am concerned that H.R. 1361 would allow the Coast Guard to close a number of important small boat stations. These stations, many of which have been in existence for decades, are usually located in areas where a high visibility Coast Guard presence sends a signal of reassurance and deterrence. Such is the case with the Point Judith Station in Narragansett, RI. Point Judith is the home to my State's fishing fleet. It is also a focal point for the State's pleasure boaters and fishing charter boats. The same can be said of the summer station on Block Island. Although I have met with the Coast Guard to discuss their proposals, I must agree with the Town of Narragansett and others in Rhode Island that these stations should not be closed. Therefore, I will support the Traficant amendment which prohibits the closure of small boat stations and ensures rapid, local response to emergency calls, unless the Secretary of Transportation finds that maritime safety will not be diminished.

Mr. Chairman, I urge my colleagues to support H.R. 1361, and I thank the subcommittee for the concern it has shown for Rhode Island's needs.

Mr. VISCLOSKY. Mr. Chairman. I rise today in support of the Transportation and Infrastructure Committee's en bloc amendment to H.R. 1361. This amendment contains an important provision to ensure that the so-called Johnson Act does not interfere with riverboat gambling in Indiana. This noncontroversial measure, which has the bipartisan support of Transportation Committee members, is based upon legislation I introduced in April, H.R. 1419.

I would like to clarify for my colleagues that this provision would not affect any other State, or State laws regarding gambling, since the Johnson Act exemption would apply only to Indiana riverboats operating within the territorial jurisdiction of the State of Indiana. Indeed, my goal is to ensure that an outdated Federal statute does not prevent the State of Indiana from implementing its riverboat gambling legislation.

In 1993, the Indiana General Assembly approved riverboat gambling legislation to allow gambling on Lake Michigan. However, as cities in northwest Indiana prepare to implement the Indiana Riverboat Gambling Act, concerns have been raised that the Johnson Act, passed in 1951 to prohibit the transportation of gambling devices on U.S.-flag ships in special maritime and territorial waters of the United States, may prohibit the use of casino gambling boats on Lake Michigan.

The U.S. Department of Justice has not yet decided if the Johnson Act would actually prohibit the operation of riverboat casinos. This legislation would ensure smooth sailing regardless of the Justice Department's decision.

It's better to be safe than sorry. The people of Indiana have spoken and I want to ensure that a section of an archaic law doesn't stand in the way of the people's will and continued efforts to create jobs and improve the economy in northwest Indiana.

I would like to thank Transportation and Infrastructure Committee Chairman SHUSTER, ranking member MINETA, Coast Guard and Maritime Transportation Subcommittee Chairman COBLE, ranking member TRAFICANT, and the Republican and Democratic committee and subcommittee staff for their cooperation and assistance.

Mr. GILCHREST. Mr. Chairman, I rise to voice opposition to the Coast Guard's current fee schedule that took effect on May 1, 1995. This user fee schedule is overly burdensome to small operators.

The final rule states that as of May 1, 1995, all inspected commercial vessels, including vessels carrying as few as seven passengers, will be required to pay the Coast Guard a user fee for the inspection of their vessels. The fees for inspected operators with vessels less than 54 feet would be $670 per year, escalating up to $1,200 for larger vessels. For small seasonal marine businesses, this fee represents a large percentage of their net revenue.

I believe these fees would have a disproportionate impact on small business. In my district, thousands of small operators would be hurt by this rule.

The Coast Guard should adjust its proposed fees for small operators to ensure that they are not regressive. This can be done by basing user fees on the actual time it takes to inspect a small vessel, usually 2 to 4 hours, which would translate into a fee much lower than announced.

The Coast Guard states that its fee is $87 per hour for inspections. The one topside inspection done each year and the one drydock inspection done every 18 months, takes approximately 3 hours per year per vessel. Therefore, the inspection fee should be no higher than $261 per year. In addition, a number of vessels could be inspected at one time, thus increasing the efficiency of the travel time spent by the Coast Guard, and possibly lowering the fees further.

I support the efforts of the gentleman from Louisiana [Mr. TAUZIN] to eliminate the regressive nature of these fees. I urge my colleague from North Carolina, Mr. COBLE to work with us toward this end.

Ms. FURSE. Mr. Chairman, I rise to express my strong support for the Coast Guard and the critical work that it performs.

The First District of Oregon, which I represent, is extremely grateful for the prominent presence of the Coast Guard in several locations along our shoreline. This agency saves lives, helps prevent accidents from occurring, and responds quickly to clean up oil spills. This agency is also responsible for drug interdiction and the enforcement of numerous laws and treaties governing the high seas. The Coast Guard in northern Oregon is also closely involve with our local communities in improving response to oil spills and training civilian oil spill cleanup volunteers.

In particular, I can't overemphasize how heavily dependent we in coastal States are upon the marine safety assistance services the Coast Guard provides. During the last year and a half, the Coast Guard in Astoria participated in more than 1,200 search and rescue operations, saving more than 70 lives and protecting more than $150 million worth of property.

I am concerned that we do not take for granted the role of this extremely valuable agency. Plans to close or consolidate Coast Guard stations must be carefully scrutinized to ensure that they will result in no decrease in public safety. Yes, we need to do all we can to downsize and streamline our Government—but not at the expense of human life. In the past, Coast Guard station closures have led to the loss of lives because the agency was stretched too thin to respond adequately to marine emergencies.

I am pleased to add my voice to the support expressed by my colleagues for the fiscal year 1996 authorization for the Coast Guard. The amount authorized under H.R. 1361 provides an increase from 1995 levels and I am pleased to see this rise in funding. In past years, this agency has consistently been underfunded. It's time to give the Coast Guard the resources they need to do their job. The work they do is essential to our coastal communities and our entire Nation. I urge my colleagues to support H.R. 1361.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 1361, which authorize appropriations for fiscal year 1996 for the U.S. Coast Guard. The bill funds vital areas for the U.S. Coast Guard so that it can perform its mission. Those areas include operations and maintenance; acquisition, construction and improvements; research and development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard; retired

pay; alternations or removal of bridges over navigable waters; and environmental compliance and restoration functions.

I also strongly support provisions in the bill to extend advisory committees until the year 2000. These statutory committees were established to advise, consult with and make recommendations to the secretary of the department in which the Coast Guard is operating on matters relating to the transit of vessels and products to and from ports. These committees are very effective. The Port of Houston, which is in my district has 2 members on the 18 member committee.

I do, however, have some concerns over a provision in the bill to consolidate the Coast Guard marine safety office in Houston and Galveston into a single site. I believe it is imperative that the Coast Guard remains on the industrialized portion of the channel, and I wholeheartily support Congressman GREEN's amendment to prohibit this move. The proposed consolidation of the Galveston and Houston facilities from Galena Park to Clear Lake would seriously threaten the response time in cases of accidents or spills in the upper reaches of the Houston ship channel.

Additionally, I have some concerns as to why the provisions of the wreck removal bill were not incorporated in this bill. I understand that an attempt was made by Congressman LAUGHLIN to have a wreck removal amendment added, he was informed that it was not germane to this bill. This is an important issue for the Port of Houston, and I suspect that it is equally important for other ports across the country. Our Nation's port and waterways are vital to the economy, trade, and national security. The closure of ports and waterways for any length of time due to obstruction by sunken or grounded vessels blocks the flow of commerce and results in significant financial loss. I believe this should be addressed, and I commend Congressman LAUGHLIN for his effort in trying to get such an amendment added to this bill.

Ms. HARMAN. Mr. Chairman, I am pleased to join my colleagues in supporting H.R. 1361 the Coast Guard Authorization bill for fiscal year 1996.

Among the bill's provisions is one which I and other members of our delegation reintroduced as a bill earlier this session to help California's tourism industry. That provision closes an existing loophole through which California loses an estimated $82 million annually.

Currently, under the Johnson Act, a cruise ship which makes an intrastate stop is subject to State law even if that ship travels in international waters and is destined for another State or foreign country. Using this loophole and its authority to regulate gambling, States like California prohibit gambling aboard these ships.

Section 408 of H.R. 1361, like our original bill, would allow gambling on internationally-bound cruises. The provision would not cause mainland gambling to expand beyond current State controls. Instead, the provision simply amends the Johnson Act to allow Federal control over voyages that begin and end in the same State so long as any stopovers are part of a voyage to another State or foreign country which is reached within 3 days of the start of the voyage. Cruises within the boundaries of the State of Hawaii are expressly excluded from the effect of this provision.

This issue is one of great interest to the citizens of San Pedro and Catalina Island whom I represent. According to Catalina's Chamber of Commerce, the city of Avalon itself loses $1.5 million annually in canceled port visits because of existing law.

Similarly, the city of San Diego, from which many cruises originate, is affected. In the last Congress, San Diego's representative, Lynn Schenk, introduced the original legislation on behalf of her constituents and the cruise industry. That measure passed the House, only to die in the Senate. Today's action is a tribute to her dedicated efforts.

I urge support for this provision, and for the bill.

Mr. HILLEARY. Mr. Chairman, I want to thank the chairman of the Coast Guard and Maritime Transportation Subcommittee for including the language of my bill, H.R. 1550, in his en bloc amendment to H.R. 1361, the Coast Guard Authorization Act.

My language is noncontroversial. It concerns the vessel *Carolyn* which has been operating safely in Hardin County in my district for several decades. This vessel has passed numerous inspections but does not have documentation as to where it was built.

This is a violation of the Jones Act which requires documented proof that a vessel was built in the United States in order to be certified.

The vessel *Carolyn* is owned and operated by the Hardin County Highway Department. It is used to push a barge holding automobiles across the Tennessee River in Saltillo, TN.

There is no bridge in Saltillo. Many families and incomes depend on the Saltillo Ferry to give access to both shores of the Tennessee River. Ending this ferry service would severely impact the entire community.

The language of my bill provides for a waiver of the Jones Act for the *Carolyn* so that Coast Guard can certify the ferry for operation. This would simply allow the *Carolyn* to continue its important service to my constituents in Hardin County as it has dependably served for many years.

Again, I appreciate the chairman for including my bill in this en bloc amendment to H.R. 1361 and encourage all of my colleagues to support this amendment.

Mr. BARCIA. Mr. Chairman, the Coast Guard's mission in helping to provide for public boating safety is most important. As a Member whose district contains more shoreline than most other States, I sincerely appreciate the need for the Coast Guard.

It is also why I am upset about proposals to close small Coast Guard facilities. We face a situation in my district where the facility at Harbor Beach may be closed, and the nearest coverage will come from 60 miles away. No realistic individual believes that adequate assistance can be provided to boaters facing emergencies from such a distance. Certainly Mike Gage, the sheriff of Huron County, disagrees with the Coast Guard's assessment that his department can provide adequate coverage for the area.

Public safety is also broader than the presence of a Coast Guard station. It is also affected by the provision of other Coast Guard services. Now we are hearing of several cases in which the Coast Guard will not place marker buoys in waterways this year because these waterways have not been dredged. The Coast Guard doesn't want the liability for placing the buoys, because the Corps of Engineers will not dredge these riverways as they have done in the past.

Mr. Chairman, when people wonder what is wrong with Washington and agency bureaucrats, they need look no further than their own personal needs for day-to-day routine services.

The Coast Guard is about public safety. Small stations should stay open, and I will support the Traficant amendment for this reason. Marker buoys need to be placed for the safety of the boating public, and if the Corps of Engineers has to reestablish its ability to provide the dredging that recreational boaters need before the Coast Guard can replace the buoys, then I will do all that I can to help restore that ability.

Our citizens want their Government to recognize their needs. They deserve better treatment than they have been getting. Not every ship wreck will be as dramatic as that of the *Edmund Fitzgerald,* but every life lost and every injury sustained is just as important. We must find ways to make room for recreational boating activities.

Mr. MINETA. Mr. Chairman, I am in strong support of H.R. 1361, the Coast Guard authorization for fiscal year 1996 and urge our colleagues to support it as well.

This is the first time the Transportation and Infrastructure Committee has brought a Coast Guard authorization bill to the House floor as it is new to our jurisdiction. When the House reorganized the committee structure at the beginning of this session, our committee was assigned the transportation jurisdiction of the old Merchant Marine and Fisheries Committee. I believe that that was an excellent step in the interest of good public policymaking, since there are many areas in which our transportation policies need to be considered together. I had long supported this area being placed under the Transportation Committee's jurisdiction. It is clear that this new arrangement is working very well.

This bill authorized the Coast Guard at the level requested by the administration, approximately $3.8 billion. While this is a slight increase over the current year level, this amount assumes a major streamlining in Coast Guard personnel and budget already underway that will reduce the Coast Guard's size by 12 percent by 1999. The Coast Guard is an agency in the lead of finding ways to do more with less.

The Coast Guard's responsibilities are enormous. They must conduct drug interdiction for the entire coastline of the United States; perform search and rescue along the entire coastline; ensure maritime safety in all navigable waters; be the frontline agency in all oilspills; protect our fisheries within the U.S. economic zone; respond to human migration crises; and enforce all U.S. laws on the high seas. Beyond these broad responsibilities, Congress has enacted a score of specific laws over the past 20 years which have given them specific new duties, particularly in the environmental and safety areas. The Coast Guard is doing all of this with a staff that is smaller than the size of the New York City Police Department.

Beyond authorizing the necessary funds to carry out its responsibilities, this bill makes a number of important policy changes which are being described in detail by the distinguished subcommittee leaders, Chairman COBLE and

the ranking Democrat, Mr. TRAFICANT. But I would like to call attention to some of them.

The bill takes very significant steps to reform Coast Guard safety laws so that the Coast Guard and vessel operators can ensure safety in a better, but also more cost-effective way. The bill brings a number of our navigation codes into conformance with international standards. It makes a number of narrow, but commonsense changes, in the Oil Pollution Act of 1990, as that law pertains to the carriage of vegetable oil, marinas and certain other offshore facilities. The bill also provides some direct safety benefits such as requiring emergency locator beacons on vessels in the Great Lakes and raising the penalties for not reporting accidents or operating a vessel without a licensed operator. The bill also makes important clarifications in the legal status of the Coast Guard auxiliary.

Finally, I want to commend Chairman COBLE and Congressman TRAFICANT for their good work on this bill. It has been a cooperative, bipartisan effort, and the fine bill before us today reflects the manner in which they have approached their responsibilities.

Mr. Chairman, this is a bill that deserves all of our support. I urge that it be passed.

The Chairman. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for purposes of amendment. The first two sections and each title are considered as read.

The Clerk will designate section 1.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act For Fiscal Year 1996''.

Mr. COBLE. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. SAFETY DETERMINATION FOR SMALL BOAT CLOSURES.

None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

''(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.''.

SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.

Section 93 of title 14, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting ''; and'', and by adding at the end the following new paragraph:

''(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).''.

SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.''.

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

''(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.''.

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking the last sentence; and

(3) by adding at the end the following:

''(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

''(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

''(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

''(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.''.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''(a) Except as'' and inserting ''Except as''; and

(2) by striking subsection (b).

SEC. 302. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

''(h) The Committee shall terminate on October 1, 2000.''; and

(2) in section 19 by adding at the end the following:

''(g) The Committee shall terminate on October 1, 2000.''.

SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

(a) RENEWAL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

(b) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''Rules of the Road Advisory Council'' and inserting ''Navigation Safety Advisory Council''.

SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking ''September 30, 1994'' and inserting ''October 1, 2000''.

SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

''(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.''.

SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) PENALTY IMPOSED.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

''§2115. Civil penalty to enforce alcohol and dangerous drug testing

''Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

''2115. Civil penalty to enforce alcohol and dangerous drug testing.''.

SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.''.

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

''(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

''(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

''(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

SEC. 309. INCREASED CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting ''or beyond three nautical miles from the coastline of the Great Lakes'' after ''high seas''.

TITLE IV—MISCELLANEOUS

SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''Former Marine Safety Detachment'' as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

''(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.''.

SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory.

(c) APPLICATION.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This section does not apply to a documented vessel that has been operated only—

''(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

''(2) for pleasure.''.

SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: '', except that the Commandant

may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant''.

SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.

(a) SHORT TITLE.—This section may be cited as the ''California Cruise Industry Revitalization Act''.

(b) LIMITATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

SEC. 409. VESSEL FINANCING.

(a) ELIMINATION OF MORTGAGEE RESTRICTIONS.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

''(a) A preferred mortgage is a mortgage, whenever made, that—

''(1) includes the whole of the vessel;

''(2) is filed in substantial compliance with section 31321 of this title; and

''(3)(A) covers a documented vessel; or

''(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.''.

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

(1) REPEAL.—Section 31328 of title 46, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking ''31328 or'' each place it appears.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 313 of title 46, United States Code, is amended by striking the item relating to section 31328.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended—

(1) in subsection (c)—

(A) by striking ''31328'' and inserting ''12106(e)''; and

(B) in paragraph (1) by striking ''mortgage,'' each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking ''transfer, or mortgage'' and inserting ''or transfer'';

(B) in paragraph (2) by striking ''transfers, or mortgages'' and inserting ''or transfers'';

(C) in paragraph (3)(B) by striking ''transfers, or mortgages'' and inserting ''or transfers''; and

(D) in paragraph (4) by striking ''transfers, or mortgages'' and inserting ''or transfers''.

(d) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

''(A) the vessel is eligible for documentation under section 12102;

''(B) the vessel is otherwise qualified under this section to be employed in the coastwise trade;

''(C) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in leasing;

''(D) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916; and

''(E) the demise charter is for—

''(i) a period of at least 3 years; or

''(ii) such shorter period as may be prescribed by the Secretary.

''(2) On termination of a demise charter required under paragraph (1)(D), the coastwise endorsement may be continued for a period not to exceed 6 months on any terms and conditions that the Secretary of Transportation may prescribe.

''(f) For purposes of the first proviso of section 27 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection (d) or (e) is deemed to be owned exclusively by citizens of the United States.''.

SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. SPECIAL SELECTION BOARDS.

(a) REQUIREMENT.—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 747. Special selection boards

''(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

''(1) was not considered for selection for promotion by a selection board because of administrative error; or

''(2) was considered for selection for promotion by a selection board but not selected because—

''(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

''(B) the board that considered the officer did not have before it for its consideration material information.

''(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

''747. Special selection boards.''.

SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''mortgage may'' and inserting ''mortgagee may'';

(2) in paragraph (1) by—

(A) striking ''perferred'' and inserting ''preferred''; and

(B) striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

''(A) the remedy is allowed under applicable law; and

''(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).''.

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

''(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

''(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

''(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) FINANCIAL RESPONSIBILITY.—

(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking ''for a tank vessel,'' and inserting ''for a tank vessel carrying oil in bulk as cargo (unless the only oil carried is an animal fat or vegetable oil, as those

terms are defined in section 413(c) of the Coast Guard Authorization Act For Fiscal Year 1996),''.

(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking ''in the case of a tank vessel,'' and inserting ''in the case of a tank vessel carrying oil in bulk as cargo (unless the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996),''.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

''§ 6308. Information barred in legal proceedings

''(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

''(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

''6308. Information barred in legal proceedings.''.

SEC. 415. REPORT ON LORAN–C REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN–C radionavigation system, defining the future use of and funding for operations, maintenance, and upgrades of the LORAN–C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN–C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN–C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN–C technology.

SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking ''or'' at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

''(4) a vessel equipped with a double hull before August 12, 1992; or

''(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude.''.

SEC. 417. OIL SPILL RESPONSE VESSELS.

(a) DEFINITION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(C)) is amended by striking ''applicable State law or'' and inserting ''applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under''.

(b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of mean high tide that is—

''(i) used for drilling for, producing, or processing oil; and

''(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time,

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

''(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is $35,000,000.

''(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed $150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

''(D) MULTIPLE FACILITIES.—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

''(E) GUARANTEE METHOD.—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection.''.

SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking ''or permitted''; and

(2) by inserting after ''day'' the following: ''or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period''.

(b) Section 8104(e) of title 46, United States Code, is amended by striking ''subsections (c) and (d)'' and inserting ''subsection (d)''.

(c) Section 8104(g) of title 46, United States Code, is amended by striking ''(except a vessel to which subsection (c) of this section applies)''.

SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.

(a) LIMITATION.—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) DEFINITIONS.—In this section:

(1) The term ''Lake Texoma'' means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term ''small passenger vessel'' has the meaning given that term in section 2101 of title 46, United States Code.

TITLE V—COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Coast Guard Regulatory Reform Act of 1995''.

SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

''CHAPTER 32—MANAGEMENT OF VESSELS

''§ 3201. Definitions

''In this chapter—

''(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

''(2) 'responsible person' means—

''(A) the owner of a vessel to which this chapter applies; or

''(B) any other person that has—

''(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

''(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

''(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

''(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

''(B) making a voyage between places outside the United States; or

''(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

''§ 3202. Application

''(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

''(1) Beginning July 1, 1998—

''(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

''(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

''(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

''(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

''(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

''(1) a barge;

''(2) a recreational vessel not engaged in commercial service;

''(3) a fishing vessel;

''(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

''(5) a public vessel.

''§ 3203. Safety management system

''(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

''(1) a safety and environmental protection policy;

''(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

''(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

''(4) procedures for reporting accidents and nonconformities with this chapter;

''(5) procedures for preparing for and responding to emergency situations; and

''(6) procedures for internal audits and management reviews of the system.

''(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

''§ 3204. Implementation of safety management system

''(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

''(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

''(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

''§ 3205. Certification

''(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

''(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

''(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

''(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

''(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

''(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

''32. Management of vessels ..... 3201''.

(c) STUDY.—

(1) STUDY.—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

''§ 3103. Use of reports, documents, and records

''The Secretary may rely, as evidence of compliance with this subtitle, on—

''(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

''(2) other methods the Secretary has determined to be reliable.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''3103. Use of reports, documents, and records.''.

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting ''or have examined'' after ''examine''.

SEC. 504. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

''(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

''(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

''(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

''(C) for lifesaving equipment, the foreign government—

''(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

''(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.''.

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking ''clauses (1)–(3)'' and inserting ''paragraphs (1), (2), and (3)''.

SEC. 505. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''nautical school vessel'' and inserting '', nautical school vessel, and small

passenger vessel allowed to carry more than 12 passengers on a foreign voyage''; and

(B) by adding ''and'' after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking ''2 years'' and inserting ''5 years''.

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking ''24 months'' and inserting ''5 years''.

SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking ''(but not more than 60 days)''.

SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

''(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection required by this part;

''(B) conduct inspections and examinations; and

''(C) issue a certificate of inspection required by this part and other related documents.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

''(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

''(B) if the foreign classification society has offices and maintains records in the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

''§ 3316. Classification societies''.

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

''3316. Classification societies.''.

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

''(g) A coastwise endorsement may be issued for a vessel that—

''(1) is less than 200 gross tons;

''(2) is eligible for documentation;

''(3) was built in the United States; and

''(4) was—

''(A) sold foreign in whole or in part; or

''(B) placed under foreign registry.''.

SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the ''owner''), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking ''1995'' and inserting ''1996''; and

(2) in paragraph (4), by striking ''12'' and inserting ''24''.

SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM (United States official number 921594).

SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

''(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).'';

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting ''power-driven'' after ''Secretary, a'';

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after ''masthead light forward''; by striking ''except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;'';

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

''(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

''(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

''(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

''(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.'';

(5) in Rule 26 (33 U.S.C 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking ''a vessel of less than 20 meters in

length may instead of this shape exhibit a basket;''; and

(B) by amending subsection (d) to read as follows:

''(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.''; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

''(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.''.

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

''(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.''.

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after ''1,600 tons gross'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after ''one hundred gross tons'' the following ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883–1), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after ''1,000 gross tons or more'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (13a), by inserting after ''3,500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in paragraph (19), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in paragraph (22), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in paragraph (30)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in paragraph (32), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(7) in paragraph (33), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(8) in paragraph (35), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(9) in paragraph (42), by inserting after ''100 gross tons'' each place it appears, the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in paragraph (5), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(4)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (d)(1), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in subsection (i)(1)(A), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(7) in subsection (j), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (i), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (j)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in subsection (d), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section

14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''5,000 gross tons'' each place it appears the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3)(A), by inserting after ''15,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(3)(B), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (c)(3)(C), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (b), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (5), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in paragraph (10), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (d), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (f)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (f)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (d), by inserting after ''100 gross tons'' and after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (l)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (m)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (o)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(6) in subsection (o)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after ''1,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (a)(3), by inserting after ''at least 200 gross tons but less than 1,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (a)(4), by inserting after ''at least 100 gross tons but less than 200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (a)(5), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (b), by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after ''4,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after ''50 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after ''20 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 745. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking ''or 12107''.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking ''coastwise, Great Lakes endorsement'' and all that follows through ''foreign ports,'' and inserting ''registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,''; and

(B) by striking '', as if from or to foreign ports''.

SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7506. Convention tonnage for licenses, certificates, and documents

''Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

''(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

''(2) issue the license, certificate, or document based on that service.''.

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

''7506. Convention tonnage for licenses, certificates, and documents.''.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

''§ 821. Administration of the Coast Guard Auxiliary

''(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

''(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

''(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

''(2) section 2733 of title 10 (popularly known as the Military Claims Act);

''(3) the Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act);

''(4) the Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act);

''(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

''(6) other matters related to noncontractual civil liability.

''(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

''821. Administration of the Coast Guard Auxiliary.''.

SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

''§ 822. Purpose of the Coast Guard Auxiliary

''The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

''822. Purpose of the Coast Guard Auxiliary.''.

SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

(1) in the heading by adding ***", and status"*** *after* ***"enrollments"****;*

(2) by inserting ''(a)'' before ''The Auxiliary''; and

(3) by adding at the end the following new subsections:

''(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

''(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

''(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

''(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessel Act).

''(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

''(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

''(6) Other matters related to noncontractual civil liability.

''(7) Compensation for work injuries under chapter 81 of title 5.

''(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees' Claims Act of 1964).

''(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

''823. Eligibility, enrollments, and status.''.

SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking ''specific''.

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after ''personnel and facilities'' the following: ''(including members of the Auxiliary and facilities governed under chapter 23)''; and

(3) by adding at the end of subsection (a) the following new sentence: ''The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

''141. Cooperation with other agencies, States, territories, and political subdivisions.''.

SEC. 806. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

''§ 827. Vessel deemed public vessel

''While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.''.

SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

''§ 828. Aircraft deemed public aircraft

''While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.''.

SEC. 808. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after ''with or without charge,'' the following: ''to the Coast Guard Auxiliary, including any incorporated unit thereof,''; and

(2) by striking ''to any incorporated unit of the Coast Guard Auxiliary,''.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

AMENDMENT OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBLE: On page 5, line 20, strike the period and add ''to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.''.

At the end of title III (page 18, after line 12) add the following new section:

SEC. . EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking ''September 30, 1995'' and inserting ''October 1, 2000''.

On page 25, strike line 9 through page 28, line 7, and insert the following:

SEC. 409. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31322(a)(1)(D)(v) and inserting ''or'' at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

''(vii) a person eligible to own a documented vessel under chapter 121 of this title.''

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31328(a)(3) and inserting ''or'' at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

''(5) is a person eligible to own a documented vessel under chapter 121 of this title.''

(c) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

''(A) the vessel is eligible for documentation under section 12102;

''(B) the person that owns the vessel, a parent entity of that person or a subsidiary of a parent entity of that person, is engaged in lease financing;

''(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

''(D) the demise charter is for—

''(i) a period of at least 3 years; or

''(ii) a shorter period as may be prescribed by the Secretary; and

''(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

''(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

''(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States.''.

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting ''12106(e),'' after the word ''sections'' and before 31322(a)(1)(D).

On page 33, strike lines 11 through page 34, line 2 and insert the following:

''(b) FINANCING RESPONSIBILITY.—

''(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking ''for a tank vessel,'' and inserting ''for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996)''.

''(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking '', in the case of a tank vessel, the responsible party could be subject under section 1004 (a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004 (a)(2) or (d)'' and inserting ''the responsible party could be subjected under section 1004 (a) or (d) of this Act''.''

On page 37, line 14, strike ''or''.

On page 37, line 20, strike ''latitude.''.'' and insert ''latitude;''.

On page 37, after line 20, insert the following new paragraph:

''(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).''.

On page 40, line 18, strike ''the line of mean'' through line 19, and insert ''the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—''.

On page 40, line 20, strike ''drilling for, producing, or'' through line 21, and insert ''exploring for, producing, or transporting oil' and''.

At the end of title IV (page 43, after line 13) add the following new sections:

SEC. . LIMITATIONS ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. . SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. . CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Montauk Light Station'' means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term ''Montauk Lighthouse'' means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. . CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference with any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term ''Cape Ann Lighthouse'' means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. . AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. . TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''United States Coast Guard Cuttyhunk Boathouse and Wharf'', as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. . TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHARM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and

other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVOLUTIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. . VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993, (to be named the LIMITLESS) is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. . REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

§ 96. Procurement of buoy chain

''(a) The Coast Guard may not procure buoy chain—

''(1) that is not manufactured in the United States; or

''(2) substantially all of the components of which are not produced or manufactured in the United States.

''(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

''(c) In this section—

''(1) the term 'buoy chain' means any chain, cable, or other device that is—

''(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

''(B) not more than 4 inches in diameter; and

''(2) the term 'manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.''.

(b) CLERICAL AMENDMENT.—

The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''96. Procurement of buoy chain''.

SEC. . CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

''(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility or other facility or other health care provider, the shipowner, operator or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility or other health care provider in the state in which the shoreside medical care was provided''.

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

''(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner or operator of a vessel from liability for infliction of emotional distress, mental suffering or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering or psychological injury was—

''(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner or operator; or

''(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner or operator; or

''(3) intentionally inflicted by the manager, agent, master, owner or operator''.

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

''(c) Limitation for certain aliens in case of contractual alternative forum.

''(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

''(2) The provisions of paragraph (1) shall only apply if—

''(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

''(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

''(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions''.

On page 59, after line 18k add the following new paragraphs:

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) RATTLESNAKE (Canadian registry official number 802702).

(9) CAROLYN (Tennessee State registration number TN1765C).

(10) SMALLEY (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) BEULA LEE (United States official number 928211).

(12) FINESSE (Florida State official number 7148HA).

(13) WESTEJORD (Hull Identification Number X–53–109).

(14) MAGIC CARPET (United States official number 278971).

(15) AURA (United States official number 1027807).

(16) ABORIGINAL (United States official number 942118).

(17) ISABELLE (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) SHAMROCK V (United States official number 900936).

(20) ENDEAVOUR (United States official number 947869).

(21) CHRISSY (State of Maine registration number 4778B).

(22) EAGLE MAR (United States official number 575349).

At the end of title VI (page 60, after line 11) add the following new sections:

SEC. . LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087–84B), and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. . LIMITED WAIVER FOR MV PLATTE.

Notwithstanding any other law or any agreement with the United States Government, the vessel MV PLATTE (ex-SPIRIT OF TEXAS) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

Mr. COBLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Chairman, this amendment contains many noncontroversial, technical and clarifying changes to H.R. 1361. The amendment also extends the termination date of the Towing Safety Advisory Committee until October 1, the year 2000. Expressing the sense of Congress on Coast Guard funding conveys several Coast Guard lighthouses and other Coast Guard property to local communities and provides many waivers of vessel

documentation restrictions. This amendment was developed and agreed to on a bipartisan basis, and I urge the Members to support it.

□ 1545

Mr. TRAFICANT. Mr. Chairman, if the gentleman will yield, we have examined this amendment, and we support it. We urge it be passed without controversy.

Mr. COBLE. Mr. Chairman, I include for the RECORD a series of letters between the chairman of the Committee on Transportation and Infrastructure and the chairman of the Committee on Ways and Means:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR BILL: I am writing in response to your letter of May 9, 1995 regarding consideration of H.R. 1361, the Coast Guard Authorization Act for FY 1996.

As indicated in your letter, we are agreeing to offer a technical amendment on the floor to clarify that the Coast Guard expenditures authorized in Section 101 of H.R. 1361 that are derived from the Oil Spill Liability Trust Fund are specifically limited to carry out the purposes of Section 1012(a)(5) of the Pollution Act of 1990.

I understand that this addresses the jurisdictional concerns of the Committee on Ways and Means. Thank you for your assistance and cooperation in this matter.

With warm regards, I remain.

Sincerely,

BUD SHUSTER,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: I am writing you regarding your Committee's consideration of H.R. 1361, the Coast Guard Authorization Act for Fiscal Year 1996. I want to thank you for your assistance in clarifying certain jurisdictional issues involving this legislation.

Specifically, section 101 of H.R. 1361 would authorize expenditures for the Coast Guard for fiscal year 1996, including funds derived from the Oil Spill Liability Trust Fund for (1) operation and maintenance of the Coast Guard; (2) acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto; and (3) research development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, and enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness.

As you know, the Committee on Ways and Means has jurisdiction over the expenditure purposes of the Oil Spill Liability Trust Fund, as set forth in section 9509 of the Internal Revenue Code of 1986, as amended. Section 9509(c) provides that amounts in the Oil Spill Liability Trust Fund shall be available, as provided in appropriation Acts or section 6002(b) of the Oil Pollution Act of 1990, only for purposes of making certain enumerated expenditures related to oil spills or discharges, including ''the payment of removal costs and other cost, expenses, claims, and damages referred to in section 1012 of such Act''.

I want to thank you for agreeing to offer a technical amendment on the Floor with language clarifying that the Coast Guard expenditures authorized in section 101 of H.R. 1361 derived from the Oil Spill Liability Trust Fund are specifically limited ''to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990'', as referred to in Code section 9509. This amendment, if passed, should address the jurisdictional concerns of the Committee on Ways and Means.

I understand that you would inform me if any further legislative changes concerning the Oil Spill Liability Trust Fund are contemplated during subsequent consideration of H.R. 1361. I also understand that you will insert copies of our exchange of correspondence in the Record during Floor consideration of H.R. 1361. Based on this understanding, I do not believe any action by the Committee on Ways and Means is required at this time.

Thank you again for your assistance and cooperation in this matter. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COBLE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Strike Sec. 104 and insert in lieu thereof:

SEC. 104. PROHIBITION ON SMALL BOAT STATION CLOSURES.

(a) The Secretary may not use amounts appropriated under the authority of this Act to close any multimission small boat station.

(b) The Secretary may implement management efficiencies within the small boat unit system, such as modifying the operational posture of the units or reallocating resources as necessary to ensure the safety of the maritime public, provided that there are adequate active duty and reserve Coast Guard personnel to perform search and rescue missions at existing small boat units.

Mr. TRAFICANT. Mr. Chairman, the bill has a provision in it which in effect terminates and closes 23 multi-mission small boat stations. No one has greater respect for the chairman of this committee, the gentleman from Pennsylvania [Mr. SHUSTER], than myself and the gentleman from North Carolina [Mr. COBLE]. I think this is the one element of the bill that we should change on the floor.

You have a number of amendments that are going to follow this and try and put some gingerbread and criteria on this closing. But in essence the Coast Guard has already determined they shall be closed, and all we are doing here is political window dressing.

The decision today is do we close 23 stations and save $3 million, roll the dice, or do we in fact say as a policy our mission is safety, not dollars, and the last time the Congress of the United States allowed bases to be closed, five people lost their lives off the shore of Oregon.

Now, you hear all about these big high class helicopters and all these radar evading planes. Quite frankly, I do not buy it. When there are winds of 65 miles per hour and someone is out at sea, they are not going to be seeing no big chopper come in for them. You know it and I know it.

The bill says, and this is what would become the law, none of the funds authorized to be appropriated under this act may be used to close Coast Guard multi-mission small boat stations, unless the Secretary of Transportation determines, the Secretary determines, that maritime safety will not be diminished by these closures.

Mr. Speaker, this is an after the fact bit of language. The Coast Guard has already determined to close them. The Secretary of Transportation is in agreement to close them. These bases are going to be closed.

The Coast Guard admits there will be a loss of life, at least one every 12 years, in these respective stations. They admit to it. The Traficant amendment is very simple and to the point: The Coast Guard is prohibited from closing. The Congress has set a policy; lives at stake are the policies of the Congress. That is the mandate we give to the Coast Guard.

Now, we could cover it with a lot of different words, but, yes, the Traficant amendment does say the Congress tells the Coast Guard you cannot close them, because we are not satisfied that we can adequately stop loss of life. If that is not our mission, what is?

But the Traficant amendment would allow the Coast Guard to implement management efficiencies within that system. There can be the transfer of resources. There can be the development of other strategies. But those small boat stations would be incorporated with active personnel into that strategy to ensure that along with these fancy helicopters, there is going to be good old Coast Guard personnel, trained to interact with local volunteers.

If these stations are closed, no matter who speaks to the contrary, even by the Coast Guard's own admission, lives will be lost. What is a life worth, Congress? I do not know anymore.

For each small boat station the Coast Guard's own analysis states there will be an additional life lost every 12 years at each small boat station. Whose constituent is it going to be this year? What if we have a real bad weather year? How many do we lose, folks?

Hey, I am willing to cut the budget, but this is not cutting the budget. This is a commonsense approach that I cannot believe that we are here debating.

The gentleman from Oregon [Mr. DEFAZIO] has noted here to the Congress, and I want to commend him on his leadership, and I can understand his passion, in 1988 the Coast Guard closed some small boat stations off of Oregon,

and they lost five lives in 3 months. I am asking that we review this carefully before we in fact close these stations. I ask for your support.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the comments from my good friend, the distinguished gentleman from Ohio, and I wish we could go through life and never have to close a Coast Guard station.

Mr. Chairman, I told this story, you all bear with me, in the committee, but I think it is pertinent. Coast Guard stations, where we used to call them lifeboat stations in the old days, the old salts, small boat stations now, but they have a way of becoming very personally involved in the communities where they are located, particularly sparsely settled communities. Coast Guard stations become not unlike churches, schools, the country store, the volunteer fire department, and the communities involved warmly embrace them.

I was having an evening meal in the home of a retired Coast Guardsman and his wife on the Outer Banks of North Carolina, Mr. Chairman, about two decades ago. At that time there was a proposal to decommission or to shut down one of the lifeboat stations along the Outer Banks. This Coast Guard wife said to me, with tears in her eyes, if they shut down that Cost Guard station, things will never be the same along the Carolina cost.

What she was saying, without using the words, she was saying the Coast Guard is not going to be able to respond. If we shut down that station, the Coast Guard is ineffective. That had not been the case at all. In fact, the Coast Guard probably has been more effective through modernization.

Now, if any entity in this country and in our society places a high value upon life, it is the U.S. Coast Guard, and I am confident that no loss of life is going to result from this. But I think, like my friend, the gentleman from Ohio [Mr. TRAFICANT], said $2 million; the Coast Guard indicates $6 million. Let us indicate for the sake of argument $6 million are involved. By Washington standards, $6 million is not a lot of money, the way we blow money on this Hill. To me it is a lot, but by Washington standards, it is not. Let us use the late Everett Dirksen's line, well-known to all of us. I think he was reported to have said a million here and a million there, boys, and then we are talking about real money.

So we must make a start. The Coast Guard is streamlining, and in order to do that effectively, they are going to have to be able to perform some sort of self-assessment. And it is they, better than any, who know what bases and what stations can best be closed.

I am confident, Mr. Chairman, and I say to my friend from Ohio, I am confident that safety is not going to be compromised. We have been told earlier today that at some of these small boat stations, some Coast Guard men and women are working 90 hours a week. I think that may well be another reason to downsize. We are in an era now, Mr. Chairman, of downsizing, not just with Government but in the commercial arena. And oftentimes downsizing does not mean less effectiveness or less efficiency. Conversely, many times it means an enhanced quality of efficiency and response time.

As much respect as I have for my good friend from Ohio, I must oppose him on this amendment and urge it be defeated.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened to what the gentleman from North Carolina [Mr. COBLE] said, and again I know of his distinguished career, both here in Congress as well as having been a member of the Coast Guard, but I, listening to him, believe in some ways he was making the case for the Traficant amendment, even though I know that was not his intention.

He said that the small boat stations tend to get involved with the local community. They are almost like the church. I have to agree. But that is the very reason why the Coast Guard presence is necessary to small boat stations.

Again, I would reiterate that one of the propositions that the Coast Guard is putting forward is that somehow when these stations close, that other State or local or nonprofit organizations are going to take up the slack.

The bottom line is, and I will use my own station at Shark River in New Jersey as an example, the only reason why those other organizations are involved, like the auxiliary, is because of the presence of the Coast Guard. If the station closes and there is no permanent Coast Guard presence there with full-time personnel, then it would be impossible in most situations for the auxiliary, and particularly in these times with downsizing of State government and local government, for the State government to step in. In my own State of New Jersey, that would not happen. The marine police has downsized and has less money today than it did a few years before.

The gentleman also mentioned modernization. It is true of course there have been a lot of changes in their technologies now. But those technologies are not that helpful for those in the immediate scene. Back in 1988, when they closed the Shark River station, sure, between 1988 and now there are more helicopters and new technology, but everyone on the scene will tell you the presence of people, of full-time Coast Guard personnel, at the location, in the inlet, in this case Shark River, and you could use it throughout the country, their immediate response is what is necessary, the fact that you have the people there, the hands on situation.

The chairman mentioned the $6 million in savings that is cited by the Coast Guard. Once again, I know our ranking Member, Mr. TRAFICANT, has noted that the actual cost is closer to $2.5 or $2.6 million. That $6 million is for consolidation and a lot of other things that are part of this plan. It is not specifically for closing the stations. We are talking about probably $2 to $3 million being saved. I know that seems like a lot, but in the overall scheme of things, when you are talking about 23 stations and you are talking about risk of life, it is not a lot of money.

Some stations, it was mentioned by the chairman, have men working 90 hours a week. We are not saying in this Traficant amendment that resources cannot be shifted around. The billets, as they say, or men, can be shifted, so some stations have less personnel and others more. What we are saying is we do not want the stations closed. Some of them maybe can get by with less personnel or can rely through a combination on auxiliary or other volunteer efforts, but they cannot be closed and cannot not have a full-time Coast Guard presence.

I have to stress, you know, one of the issues that is being raised here is that the Coast Guard maintains that at some of the stations the amount of search and rescue has not increased significantly in the last few years. I will point out, in making their analysis for this streamlining plan, they did not take into consideration, and they will tell you they did not, all the other functions that have been added by this body and by the Federal Government to the Coast Guard. They did not include the increase in dealing with environmental laws, fishing laws, in drug trafficking prevention. All of these extra things we have put on the Coast Guard for the last few years are being carried out at a lot of these small boat stations.

□ 1600

They are on the increase. The amount of traffic in a lot of these locations is also on the increase. It is ridiculous for us to assume that with all the extra burdens for us to assume that with all the additional pleasure craft that exist at these various locations around the country that somehow the amount of work has been reduced or somehow we are going to be able to get by without the presence of these stations.

if we talk, and I know many of us have during the break, we went back to our districts. I had a town meeting, and I talked to the people in the vicinity of my station. They were horrified to think that the station would close. The experience in 1988 showed that it does not work. Let us not put our population, our constituents through this again. Support the Traficant amendment as the only way to go to assure that lives are saved and let the Coast Guard presence continue in these various communities.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must reluctantly rise in strong opposition to the amendment offered by my good friend from Ohio. Certainly it is well-intentioned, but I must point out that this amendment, if adopted, represents the ultimate in micromanagement. This amendment says to the U.S. Coast Guard, which is charged with safety, says to them: Congress is telling you you are not allowed to manage your own operations. Congress knows better than you about safety. Congress is telling you you cannot close a single Coast Guard station.

Indeed, many of these stations are over 100 years old, when row boats, yes, row boats were used as the means of getting out to perform search and rescue operations.

But it is not 1896. We are approaching 1996. And, therefore, we should recognize the advances in technology and modern capability and give the Coast Guard the freedom to make these kinds of decisions, particularly when GAO has looked carefully at their proposals and GAO has concluded that not only is the process used by the Coast Guard reasonable but that they reviewed them and they endorse what the Coast Guard is attempting to accomplish.

It is extremely important that we give this flexibility to the Coast Guard. And I would emphasize that in committee, in order to be certain that we were not going to give safety a second place position in these considerations, we included in the bill language that requires the Secretary of Transportation to determine that safety will not be diminished before any search and rescue station can be closed.

So I say, let us recognize the Coast Guard as modernized. The Coast Guard, indeed, cares about safety. That is their mission. And we should not tie the hands of the Coast Guard by telling them that what they were doing in 1896 they still must continue to do in 1996.

For all of those reasons, I urge the defeat of this well-intentioned amendment.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Traficant amendment.

Mr. Chairman, I fail to understand why the Republicans feel absolutely compelled to support the administration's every initiative. Now, I understand, I will remind Members, this is not some evil Republican budget cutting proposal. This is a proposal by the Democratic Administration to cut some $2 or $3 million, in the case of these small stations, out of Coast Guard. While I appreciate the intense loyalty of the new majority around here, I think you should feel free to oppose the administration when you think they are wrong. I certainly do. This is one of those cases.

I am aware that downsizing, God help us all, is in. It is in, in corporations. it is in, in government. Democrats are busy reinventing government, and you folks are busy eliminating government. But everybody is downsizing in one way or another. If there is anything that is not too big today, it is the U.S. Coast Guard. I defy any Member of this Congress to suggest that the Coast Guard has too many resources. I know that the gentleman may speak for himself, but I do not think anybody really believes that.

Year after year, decade after decade we have piled more responsibilities on the Coast Guard, not less: law enforcement, marine environmental protection, boating safety, drug law enforcement and, of course, the most important mission of all, search and rescue. They are one of most grossly underfunded and understaffed agencies in the Government.

To stand up here and suggest that we need to downsize them I think is a bit much.

We are going to have more debates this year, I suspect, of a calculus kind of how much is a human life worth. I do not choose to participate in that debate, because I do not think it can be done. I do not think any of us is able to put a dollar value on a human life. We are talking about $2 or $3 or, if you say $5 or $6, no more than $6 million. God knows how many human lives we are talking about. But if it were only one, is a human life worth $3 million? I guess it depends whose life it is. If it is yours or your spouse's or your child's, I doubt you would hesitate very long in answering the question.

We all have parochial concerns here. In my district, the original idea of Coast Guard was to close two stations and make one of them seasonal, summer only.

The first thing they ought to do is make Provincetown on the tip of Cape Cod summer only. I am pleased to report that we talked them out of that inane idea. I have lost five fishing vessels with all hands since I have been in this office out of that port, every one of them in the winter. Talk about closing such a station in the winter. You can fill in your own adjective.

Now they want to close the station in Scituate just south of Boston and the station in Menemsha on Martha's Vineyard. If we look at the criteria, they are looking at response times. They are saying, well, we need *x* numbers to respond. Would you believe they use the same response time in Florida as they do in Massachusetts and Maine? I doubt there is any Member of this House who, if told you have to spend 10 minutes in the water in January, would choose Cape Cod rather than southern Florida. The odds, to put it mildly, are very, very different.

But the calculus, as we understand it, used by the Coast Guard to say how many minutes response time there needs to be were uniform across the Nation. That is crazy. That does not make any sense.

In New England, furthermore, as you may have heard we have a fishing crisis. We are about to put into effect dramatic, new, stringent reductions in fishing efforts. This is going to mean dramatically increased law enforcement responsibilities for the Coast Guard. Sadly, it is probably going to mean greater search and rescue demands because people are going to stretch a little bit further and go out in weather they probably should not go out in, fish longer than they should with smaller crews than they should have to try to eke a living out of what they are still allowed to do. That means more search and rescue responsibilities for the Coast Guard.

Let me finally say, if I may, having conceded that this is not an evil Republican budget cutting amendment and sadly conceding that it is coming from my own administration, I hear that there is going to be released to the public a Republican budget this week sometime. I do not know, and I am certainly not privy to the consultations going on, but I would not be surprised if we were to see an order of magnitude cut across the board in the Department of Transportation far exceeding what we are talking about here.

This heat, this emotion that is being engendered in this debate is about a cut in the Coast Guard budget of a fraction of 1 percent. What would happen if the new Republican budget, in the spirit of downsizing of our times, asked for a 10- or a 20- or 30-percent cut in all functions of the Department of Transportation? I do not know whether that is going to happen, but I would not be surprised if that happens in all so-called discretionary programs. And if it does, the debate we have just had on this floor will be as nothing compared to the human lives that will be at stake if we are presented with that.

So let us take this opportunity, Republicans and Democrats together, to rally against one of the few instances where this Democratic administration has been wrong.

I urge the support of this amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. I have grave reservations with regard to the Coast Guard's small boat unit streamlining initiative. In particular, I am concerned with the impact of this proposal on the maritime safety in New England. The Coast Guard has proposed closing three stations in Massachusetts, including two in my district—Station Scituate and Station Menemsha on Martha's Vineyard.

I fully understand the Coast Guard's need to periodically reallocate its personnel and equipment resources and, generally, to do more with less. However, there are several issues which, in my view, require the Coast Guard to maintain a high level of search-and-rescue [SAR] capacity in the region. For the past several months, I have been working closely with area fishermen, lobstermen, and municipal officials to study the merits of the streamlining plan. We have compiled what I believe are compelling reasons why these stations should

remain open. However, while we are most familiar with the circumstances in the Northeast, these issues raise fundamental questions with the national impact of the Coast Guard's plan.

In my view, the Coast Guard's recommendations have not adequately taken into account the severe weather conditions, particularly water temperature, prevalent in the region. The difference between life and death can be a matter of minutes in the freezing waters off Northeast shores. Yet in recommending stations for closure the Coast Guard applied the same response time to Massachusetts as it did to Florida.

Additionally, there are serious questions about closing Stations Scituate and Menemsha in the larger context of personnel and asset relocations throughout New England. When taken together they appear to spread SAR resources too thinly. The Coast Guard plans to move three HU–25A Aireye jets from Air Station Cape Cod to Texas and transfer the cutter *Point Jackson* from Woods Hole to Florida. Under the streamlining initiative, the Coast Guard has also recommended the closure of several other stations in Massachusetts, Maine, and Rhode Island. I have seen little evidence that the Coast Guard fully considered the broader ramifications of these recommendations.

In fact, a recent event has demonstrated that the Coast Guard's SAR assets in the region may already be overextended. This past weekend a helicopter from the New York National Guard responded to two separate SAR situations off Rhode Island because Coast Guard units based at Air Station Cape Cod were occupied with SAR operations elsewhere. It should be noted that this incident took place before the busy summer boating season and with all the Massachusetts SAR stations in operation.

Finally, the Coast Guard's closure study did not adequately take into consideration the other missions that these stations perform, including marine environmental protection, boating safety, and maritime law enforcement.

In particular, the collapse of groundfish stocks in New England—which has had severe ramifications on the fishing industry in the region—will require an increase in Coast Guard activities both in terms of a potential rise in SAR operations and administration of fisheries regulations.

While I am working with the Commerce Department to secure Federal assistance for fishermen, the only feasible solution to this crisis is to close the fishing grounds on Georges Bank to allow depleted stocks to recover. Experience suggests, however, that many fishermen will fish longer hours and in more inclement weather, forgo maintenance, and operate with smaller crews to make ends meet.

At the same time, new groundfish regulations currently being promulgated by the National Marine Fisheries Service to help rebuild stocks will require vigorous enforcement by the Coast Guard. Both Stations Scituate and Menemsha are also responsible for enforcement of laws and treaties, which includes the inspection of catches and equipment. Furthermore, Station Menemsha is responsible for New Bedford, one of the busiest fishing ports on the east coast.

In my view, the potential public safety consequences make a review of the Coast Guard's plans imperative and I would urge my colleagues to support the Traficant amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment and, speaking as a member of the House Subcommittee on Transportation of the Committee on Appropriations, which has jurisdiction over the Coast Guard, I would like to bring a couple of points to the body's attention.

First, the Commandant of the Coast Guard knows his budget is being reduced as it is for every other part of the Federal Government. In a response, not necessarily anybody other than the Commandant has analyzed in depth the need for maintaining all of the service's small boat stations.

What the Commandant found is that the service does not need all of the stations they have today. That is because of demographic changes and better operating procedures and the procurement of faster boats and helicopters. New technology enables us today to search a wider territory and get on scene in the required time without having a boat station right around the corner.

I understand that no Member wants to lose a Coast Guard station in their district or in their State. I also understand that some States are harder hit by the Coast Guard plan than others. However, Members should know before voting on this amendment, this is not a budget-driven measure. It is done because it is sufficient.

The General Accounting Office has reviewed the Coast Guard's processes for reviewing its needs for boat stations. They said it provides, and I quote, ''a reasonable basis for determining the appropriate number of stations and the appropriate resources of the stations.''

In fact, when GAO came up before the committee, we asked them about this, as we also did when we asked the Coast Guard. This was the same GAO, I would remind the Members, who 5 years ago refused to endorse the closure of any stations because the Coast Guard had not done its homework. This time they have.

According to the Coast Guard they can perform the safe level of life saving with fewer stations and with the budget being reduced and then being more efficient.

I also should let Members knows that funds are not included in the fiscal year 1996 budget for these stations. They are low-activity stations, and that is why they are on the Coast Guard list. If we prevent these stations from being closed, Mr. Chairman, we will have to cut $6 million from other parts of the Coast Guard's operating budget to pay for them, parts of the Coast Guard's operating budget that they do not want to see cut. This will have a much greater impact on safety, in my opinion.

And in closing, Mr. Chairman, let me say, as the gentleman from Massachusetts said, this amendment is opposed by the Department of Transportation and by the Coast Guard. There are no funds in the fiscal year 1996 budget to implement it without harming other programs.

I urge the body to vote the amendment down.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we just heard that people with the green eyeshades downtown here in Washington, DC, reviewed the Coast Guard process and they found that it was meritorious. People with the green eyeshades in downtown Washington, DC, have never tried to cross a bar entrance in Oregon with an outgoing tide and a strong wind. It is pretty tough. In fact, the Commandant of the Coast Guard, in this bulletin of January of this year said, and I quote, this is the Commandant of the Coast Guard, the same gentleman recommending these cuts referring to the Pacific Northwest:

> This area has always challenged mariners with its isolated, storm-battered coastline, strenuous harbor entrance. From seasoned fishermen to unwary vacationers, thousands of people annually learn hard lessons due to suddenly changing tides and weather.

This is the same Commandant who wants to close two lifesaving stations in my district. The last Commandant closed those two lifesaving stations in my district, and within 2 months five people drowned, five people who could have been saved.

The GAO and the people with the green eyeshades think you can tread water for 40 minutes. Well, you cannot tread water for 40 minutes, as the gentleman from Massachusetts pointed out, when it is cold in the Atlantic, not in the summertime but in other months of the year. You cannot tread water for 40 minutes while you are waiting for the helicopter in the bar entrances in my district either, not at the Coquille River, not at the Rogue River, not at the other areas scheduled for cuts.

We are talking about one-tenth of 1 percent of the operating budget of the U.S. Coast Guard. If this is an agency that does not have one-tenth of 1 percent of cuts that it can make somewhere else except in lifesaving, then this agency should be running the entire Government of the United States of America, because I cannot say that about any other agency of the U.S. Government. And I do not believe that anybody in this House, particularly Members from that side of the aisle, would make that assertion about any other agency of the Federal Government, one-tenth of 1 percent. Is that too much to save lives?

By the Coast Guard's own estimates, two people will drown this year to save one-tenth of 1 percent of their operating budget.

□ 1615

You might say that is a reasonable cost, about $1 million per person. What if it is your father, your mother, your kid, just a friend, a neighbor? Do you think it was worth that cut?

Do you think it was worth abandoning the principal historic mission of the U.S. Coast Guard on 120 miles of the Oregon coast in the Northern Michigan Peninsula, in New Jersey, in Massachusetts, in other areas? Is it worth abandoning to save one-tenth of 1 percent, or so the admiral will not have to find one-tenth of 1 percent somewhere else in his budget to cut?

I do not believe so, and I do not believe it should be the judgment of this body, because if that is the judgment of this body, then the blood of the people who will drown, and they will drown, the Coast Guard says two will drown, I think maybe 10 or 20 will drown, given the experience in my district 7 years ago, people will die because of this vote.

This is a little more serious than a lot of the other votes cast here. The green eyeshades downtown do not know anything when it comes to this. The Commandant of the Coast Guard does. He says these are treacherous entrances, but he is going to abandon them and serve them from 120 miles away with a helicopter.

As the distinguished ranking member of the committee worked out, that is a pretty tough thing to do in high winds and low visibility, let alone talking about the water temperatures and survival times, none of which was factored into this great equation that the GAO said was okay. What the GAO said is they did their math right. They did not say that this makes sense for people on the ground or in the water around the United States of America.

This is an ill-intentioned cut, and this body should not let this cut be made, and we should vote for the Traficant amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the members of the House Committee on Transportation, especially the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the subcommittee chairman, the gentleman from North Carolina [Mr. COBLE], for including my legislation in this year's Coast Guard reauthorization bill.

Because the Coast Guard is not bound by the same procurement policies as is the Department of Defense, U.S. manufacturers of buoy chain are unable to compete with foreign manufacturers. Historically, the Coast Guard has purchased the majority of buoy chain from the People's Republic of China.

My legislation, as included in the en bloc amendment, would subject the Coast Guard to the same procurement policies as the Department of Defense, therefore restricting the purchase of chain not manufactured in the United States. In addition, all of the components of the buoy chain must be produced or manufactured in the United States.

This legislation will help us maintain an even economic playing field in international trade. American laborers are hardworking and our goods are among the best in the world, but we must ensure American businesses are not undercut by cheap foreign labor costs.

It would be unwise to enact protectionist trade measures which ultimately hurt consumers and producers by reducing competition. However, we must be on equal terms with foreign producers. Countries such as China are able to undercut United States production and underbid United States firms for large contracts.

''Buy American'' is sound policy for American jobs, a strong economy and national defense. If we put out chain manufacturers out of business, we may find ourselves without a supply should a conflict arise. I urge my colleagues to support this legislation.

Mr. TORRICELLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join the gentleman from Massachusetts [Mr. STUDDS] in congratulating the majority for rising to the support of the Clinton administration, though expressing my regrets that they have chosen this unfortunate moment on such an ill-conceived issue.

To make clear, Mr. Chairman, that I represent no Coast Guard stations, indeed, no beach areas, I seek no stations, and indeed, do not think they should be built in my own district of New Jersey, but I rise to the defense of the capabilities of the Coast Guard, because this issue is more than whether or not there is a Coast Guard station in New Jersey or Massachusetts or Oregon. This goes to the central mission of the Federal Government and its responsibility to our people.

Because there are things that our Government has done, agencies it maintains, expenditures that it makes which are inappropriate, expenditures which should be eliminated and activities which should be curtailed, there are many who would now come to this floor, and indeed, today they have the Clinton administration with them, to end those activities which are central, things which only the Federal Government can do, things upon which the people of our country depend upon the Federal Government to do.

For 200 years people, from mariners to the boating public to fishermen across America, have come to rely for their safety and for rescue at moments of peril upon the Coast Guard. We are now presented with a plan to close 23 of those stations, some of them that have operated for generations, saved hundreds of people at moments of peril, to save one-tenth of 1 percent of the Coast Guard budget.

In an incredible calculation, the Coast Guard can even demonstrate the cities, the oceans, the rivers, the places, and the numbers of lives that will be lost. And for what? Six million dollars, $6 million that we justifiably seek to reduce in areas where the Federal Government's activities are inappropriate and should be curtailed, or should be ended. But instead, we return to a central function of the Federal Government, maintaining safety on the seas and in our waterways, and in doing so, risk enormous danger for our citizens.

Most ironic is that while we reduce these Coast Guard activities in these 23 stations, we ask for greater surveillance to ensure that our fishing stocks are not depleted, we increase responsibility for drug interdiction, to ensure that narcotics are not reaching our coasts, we ask for higher environmental standards to make sure that international shipping does not dump their cargoes or their waste or their oil into our waters. We mount their responsibilities, we increase the standards, we want the American people to believe that they are safe in moments of leisure or work, but we take away their very resources.

Mr. Chairman, I have not been bashful when it came to moments to vote to cut Government spending or end its missions, but there is a time in which Members of this institution must understand those items of safety and security which are central to the functions of the Federal Government, missions that if we do not do, no one else will do, missions if they are not completed will take the lives of our people.

The people of our country do not generally ask a lot of this Federal Government. Usually they ask simply that it do less. This is one instance where for 200 years, as certainly as people have come to expect if their car or their truck breaks down along a highway, a patrolman will come to their rescue, so, too, through these generations people have come to expect that if they are lost at sea, if their boat is in peril, they will see a Coast Guard ship come to their rescue. That expectation need not change, not for $6 million, not for such a small saving, not when there are so many other opportunities.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in support of the amendment of the gentleman from Ohio [Mr. TRAFICANT]. Let me first acknowledge that for the several Congresses we have just come through I have had the extraordinary privilege of chairing the Coast Guard Subcommittee of the former Committee on Merchant Marine and Fisheries, and so I know the awesome task and the difficult job that my good friend, the gentleman from North Carolina, Mr. HOWARD COBLE, has now in shepherding this bill and dealing with these very complex and controversial issues, particularly at a time of deep budget strain and stress.

I take my hat off to no one in voting to make budget cuts around here. I do a lot more of that than many of the Members do, and we have a lot more of that coming, but part of the process by which we make budget cuts, and we reach toward that incredibly difficult goal of a balanced budget by the year 2002, is a process called prioritizing.

It is a process by which in the various budgets and the various moneys that we collect from the American public and spend back for their benefit, we hope, that we list and indeed fund first those things which are most critical to the function of a given agency, to the function of a given department of our Government.

If there is one function that is most central to the operation of the U.S. Coast Guard, it is the function of search and rescue. If there is one function above all else that I would rank as the No. 1 priority of the U.S. Coast Guard, it is to be the guardians of the sea.

We, as previous speakers have pointed out, lump enormous responsibilities upon the Coast Guard. Every year we seem to find something new for them to do. Every year, as we peel back some responsibility on some other agency, we give it to the U.S. Coast Guard. They have become, as someone pointed out, environmental agents for the Nation now. They are now part of the fisheries enforcement apparatus of America. They are in many cases called upon, as I said, to do things we had not envisioned the Coast Guard doing when we first appointed and placed in service the men and women of this incredible branch of the U.S. Government.

With fewer men and women serving than those who serve in the New York Metropolitan Police Department, we carry out these enormous functions for our country.

However, what are we doing today? What are we doing today in debating seriously a Coast Guard attempt to shut down its most important function first, instead of maybe dealing with all the other things it does that perhaps we ought to be talking about curtaining or somehow cutting down? What are we doing discussing closing the small boat stations of America that provide the ready access to relief and search and rescue in cases where American boaters are put at risk, and sometimes their lives are at stake?

There is no greater honor bestowed upon a Coast Guard man or women than the honor of being a lifesaver. There is nothing that Coast Guard men and women speak more proudly of than the number of lives they save each year, and they save a ton of lives each year. They do a tremendous job for us. Why would we even be considering, in whatever budget cuts or whatever curtailments of expenditures we want to make here, stopping the most important function of the U.S. Coast Guard; in fact, imperiling lives on some kind of an arbitrary formula that does not take into account very dangerous entrances and exits and storm conditions, temperatures of water; getting a formula that closes Coast Guard stations based upon some arithmetic calculation made here in Washington, DC?

I challenge Members, please, let us support this amendment. Let us make sure that in this and every budget we do what we are supposed to do, prioritize. The function, indeed, of saving lives ought to be No. 1 within the Coast Guard. We ought to make it No. 1 in this Chamber.

We ought to tell the American public we are prepared to make tough cuts, but we are also prepared to do the most important thing Government is supposed to do, and that is protect lives, protect liberty, and protect property in America.

Mr. MINETA. Mr. Chairman, I support the amendment offered by the distinguished ranking Democrat on the Coast Guard and Maritime Transportation Subcommittee, Mr. TRAFICANT. Closing 23 small search and rescue stations, as the Coast Guard has proposed, would save only a relatively small amount of money. However, it would remove a vital marine safety presence from the affected coastal communities.

I believe the Coast Guard has done a good job in how it has gone about reorganizing and rationalizing its small boat station staffing. Most of that will be realized under the Traficant amendment. And the Coast Guard may well be able to respond to emergencies adequately with other resources. My concern is that if these stations are closed, there would be a dimunition of safety, simply because the safety professionals from the Coast Guard would no longer be in the community.

The Coast Guard would no longer be there to offer safety advice or take an enforcement action against a boater doing something stupid. People admire and look up the Coast Guard. That role model for good safety practices would be removed, and I believe that would hurt safety in the long run.

I urge adoption of the Traficant amendment.

Mr. HOEKSTRA. Mr. Chairman, I support Mr. TRAFICANT's amendment because I feel that it is necessary that before the Coast Guard closes a station, they should develop and implement a transition plan in consultation with the affected communities. I have expressed this desire to the Coast Guard and while they are supported of the idea, they have yet to take the necessary steps to ensure the transition will be a smooth one for the communities. This amendment sets a 1–year moratorium on closings. During this time, I would hope that the Coast Guard would work with the affected communities to develop a plan that will ensure the safety of the boaters and residents of the area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The vote will be for 17 minutes.

The vote was taken by electronic device, and there were—ayes 146, noes 272, not voting 16, as follows:

[Roll No. 308]

AYES—146

Abercrombie	Hall (OH)	Pallone
Ackerman	Hamilton	Pastor
Andrews	Hastings (FL)	Payne (NJ)
Baker (LA)	Hayes	Pelosi
Baldacci	Hefner	Petri
Barcia	Hilliard	Rahall
Beilenson	Hinchey	Rangel
Bevill	Hoekstra	Reed
Bishop	Holden	Reynolds
Bonior	Hoyer	Rivers
Borski	Jackson-Lee	Rose
Boucher	Johnson (SD)	Roth
Browder	Johnson, E. B.	Roybal-Allard
Brown (FL)	Kanjorski	Rush
Brown (OH)	Kaptur	Sabo
Bryant (TX)	Kennedy (MA)	Sanders
Bunn	Kennelly	Sawyer
Camp	Kildee	Schumer
Cardin	Kleczka	Scott
Clayton	Klink	Sensenbrenner
Clement	Lantos	Serrano
Clyburn	Laughlin	Skaggs
Collins (IL)	Levin	Slaughter
Conyers	Lewis (GA)	Smith (NJ)
Coyne	Lipinski	Stark
de la Garza	LoBiondo	Stockman
DeFazio	Lofgren	Stokes
DeLauro	Lowey	Studds
Dixon	Manton	Stupak
Doyle	Markey	Tauzin
Ehlers	Martinez	Thompson
Engel	Mascara	Thornton
Eshoo	Matsui	Torricelli
Evans	McDermott	Towns
Farr	McHale	Traficant
Fazio	McKinney	Tucker
Fields (LA)	Meek	Velazquez
Filner	Menendez	Vento
Flake	Mfume	Visclosky
Foglietta	Miller (CA)	Walsh
Forbes	Mineta	Ward
Frank (MA)	Mink	Waters
Frost	Murtha	Wise
Furse	Nadler	Woolsey
Gejdenson	Ney	Wyden
Gephardt	Oberstar	Wynn
Gibbons	Obey	Yates
Gillmor	Olver	Young (AK)
Gutierrez	Owens	

NOES—272

Allard	Clay	Fawell
Archer	Clinger	Fields (TX)
Armey	Coble	Flanagan
Bachus	Coburn	Foley
Baesler	Coleman	Fowler
Baker (CA)	Collins (GA)	Fox
Ballenger	Combest	Franks (CT)
Barr	Condit	Franks (NJ)
Barrett (NE)	Cooley	Frelinghuysen
Barrett (WI)	Costello	Frisa
Bartlett	Cox	Funderburk
Barton	Cramer	Gallegly
Bass	Crane	Ganske
Bateman	Crapo	Gekas
Becerra	Cremeans	Geren
Bentsen	Cubin	Gilchrest
Bereuter	Cunningham	Gilman
Bilbray	Danner	Goodlatte
Bilirakis	Davis	Goodling
Bliley	Deal	Gordon
Blute	DeLay	Goss
Boehner	Dellums	Graham
Bonilla	Deutsch	Green
Bono	Diaz-Balart	Greenwood
Brewster	Dickey	Gunderson
Brownback	Dicks	Gutknecht
Bryant (TN)	Doggett	Hall (TX)
Bunning	Dooley	Hancock
Burr	Doolittle	Hansen
Burton	Dornan	Harman
Buyer	Dreier	Hastert
Callahan	Duncan	Hastings (WA)
Calvert	Dunn	Hayworth
Canady	Durbin	Hefley
Castle	Edwards	Heineman
Chabot	Ehrlich	Herger
Chambliss	Emerson	Hilleary
Chapman	English	Hobson
Chenoweth	Ensign	Hoke
Christensen	Everett	Horn
Chrysler	Ewing	Hostettler

Houghton	Mica	Schroeder
Hunter	Miller (FL)	Seastrand
Hutchinson	Minge	Shadegg
Hyde	Molinari	Shaw
Inglis	Mollohan	Shays
Istook	Montgomery	Shuster
Jacobs	Moorhead	Sisisky
Johnson (CT)	Moran	Skeen
Johnson, Sam	Morella	Skelton
Johnston	Myers	Smith (MI)
Jones	Myrick	Smith (TX)
Kasich	Neal	Smith (WA)
Kelly	Nethercutt	Solomon
Kennedy (RI)	Neumann	Souder
Kim	Norwood	Spence
King	Nussle	Spratt
Kingston	Ortiz	Stearns
Klug	Orton	Stenholm
Knollenberg	Oxley	Stump
Kolbe	Packard	Talent
LaFalce	Parker	Tanner
LaHood	Paxon	Tate
Largent	Payne (VA)	Taylor (NC)
Latham	Peterson (MN)	Tejeda
LaTourette	Pickett	Thomas
Lazio	Pombo	Thornberry
Leach	Pomeroy	Thurman
Lewis (CA)	Porter	Tiahrt
Lewis (KY)	Portman	Torkildsen
Lightfoot	Poshard	Torres
Lincoln	Pryce	Upton
Linder	Quillen	Volkmer
Livingston	Quinn	Vucanovich
Longley	Radanovich	Waldholtz
Lucas	Ramstad	Walker
Luther	Regula	Wamp
Manzullo	Richardson	Watt (NC)
Martini	Riggs	Watts (OK)
McCarthy	Roberts	Waxman
McCollum	Roemer	Weldon (FL)
McCrery	Rohrabacher	Weldon (PA)
McDade	Ros-Lehtinen	Weller
McHugh	Roukema	White
McInnis	Royce	Whitfield
McIntosh	Salmon	Wicker
McKeon	Sanford	Williams
McNulty	Saxton	Wolf
Meehan	Scarborough	Young (FL)
Metcalf	Schaefer	Zeliff
Meyers	Schiff	

NOT VOTING—16

Berman	Ford	Rogers
Boehlert	Gonzalez	Taylor (MS)
Brown (CA)	Jefferson	Wilson
Collins (MI)	Maloney	Zimmer
Dingell	Moakley	
Fattah	Peterson (FL)	

☐ 1651

Mr. DEUTSCH, Mrs. THURMAN, and Messrs. MEEHAN, NEAL of Massachusetts, and BARRETT of Wisconsin changed their vote from ''aye'' to ''no.''

Messrs. PETRI, WALSH, and SANDERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DEUTSCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we are taking up the Coast Guard authorization bill we are also taking it up on a day that is truly a dark day in the Coast Guard's history and in America's history. This is a day that the U.S. Coast Guard has joined forces with one of the evil regimes in the world and in world history, the Castro government. The U.S. Coast Guard, who has had such a glorious history over hundreds of years, today escorted people for the first time in American history back to a Communist dictatorship. It truly is a dark day not just in the Coast Guard's history but in America's history.

It is a policy which has never been done before and hopefully will never be done again. There are many of us in this Chamber and throughout this country who are urging the President to stop this policy. Coast Guard vessels which have been used to save lives for hundreds and hundreds of years, in fact within the last year have saved hundreds of lives, thousands of lives, were used today to bring 13 people back to what we do not know, what might be death, what might be torture. It is totally naive by this administration to believe that those people will not be suffering for their consequences. It defies the logic of history, it defies what we do know. It defies recent history where this Government has continually pointed to the Castro regime as one of the worst human rights abusers in the world, in fact in the history of the world, and yet that is what our Government's resources and our Coast Guard was involved in today.

Now is not the time to particularly reduce Coast Guard authorization for that action. But our hope and I believe again the majority of the Members in this Chamber and a majority of people throughout this country is that this policy will change and will change in short order.

Mr. COBLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to respond very briefly to the gentleman from Florida. I am not going to take my 5 minutes, but I feel obliged to at least respond to what he said. I cannot disagree with most of what he said, but since we are now debating the authorization bill for the Coast Guard, I think I need to make it clear to my colleagues that we should not kill the messenger in this case.

The Coast Guard after all is the appropriate agency for implementing the President's policy. Whether or not we agree with the President's policy, that may well be another ball game, but I do not think we can be justified in pointing accusatory fingers to the Coast Guard for taking its part in repatriating those Cubans back to Cuba.

I am advised that those Cubans who were picked up by the Coast Guard from a cruise ship have been aboard a Coast Guard cutter since that day, which I think was last Thursday, and the repatriation process is going on now.

I just want to insert my oars in the water, Mr. Chairman, on behalf of the Coast Guard. I do not disagree with what the gentleman from Florida said, but I think it needs to be made clear that the Coast Guard is merely implementing the President's policy.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

Mr. DEFAZIO. Mr. chairman, I had risen previously and I am a member of the committee. What is the procedure here. I have an amendment at the desk.

The CHAIRMAN. The Chair has recognized the gentleman from Wisconsin already, and as a committee member, the gentleman from Oregon will be recognized next.

Mr. COBLE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order on the amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

SEC. . LIMITATION ON FEES AND CHARGES WITH RESPECT WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Not withstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

Mr. ROTH. Mr. Chairman, we have too many laws in our country, too many taxes that do not make sense, and that is the purpose of this amendment. Ferry boats provide not only essential transportation but for many purposes they are the only form of public transportation to many places.

☐ 1700

Mr. Chairman, we are debating an issue here today that is affecting the lives of many people in our country, and that is why I think it is important for us to give due deliberation to these amendments.

Ferry boats are really the lifeline to many communities. Now, under U.S. law, the Coast Guard is allowed to exempt a ferry boat from paying taxes if it is determined to be of a public interest.

In my home State of Wisconsin, ferries are considered public, so public that the public service commission regulates them.

The only way to get to Washington Island, for example, in my district, which is off of the coast of the beautiful Door County area in Wisconsin, you have to go by ferry. This island is inhabited by some 650 residents year around, many more in the summer. The only way to get to the island is by ferry boat.

These boats are the lifeline to the community. They take care of the ambulance service, mail service, groceries, fuel and heat.

Now, citizens rely on ferries all over the United States. So this is not only affecting Wisconsin, this is affecting many, many areas in your States also.

During one of the many destructive floods on the Mississippi, for example, many families and towns relied on the ferries to get them to the hospital and to safe shelter. When San Francisco, for example, the Golden Gate Bridge, for example, was damaged by an earthquake, the bay area relied on ferry boats.

If these new destructive taxes go into effect, as scheduled on May 1, one ferry

boat operator, for example, on the Washington Island line will be penalized by some $5,175, that is over $5,000.

When this amendment goes into effect, what it will do is return some fairness, and that is all I am asking. I am asking that the Congress consider this as a public service.

Let us not tax these people to death. Let us not choke off this vital lifeline from Door County to Washington Island.

As I say, this is not the only area in the country, but there are many areas like this, and I ask the Members to approve this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina [Mr. COBLE] insist on his point of order?

Mr. COBLE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBLE. First of all, Mr. Chairman, I want to say to the distinguished gentleman from Wisconsin, that much of what he said I am not in disagreement with, but I do not think this is the proper forum, for this reason: I think the amendment offered by the gentleman from Wisconsin [Mr. ROTH] violates section 302(f) of the Budget Act by providing negative budget authority for the fiscal year 1995.

Mr. ROTH. Mr. Chairman, may I be heard on that?

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I realize the gentleman from North Carolina [Mr. COBLE] is probably one of the most gifted lawyers in the House.

I wanted to point out that whenever we cut taxes, it is never in order.

Let me say something: When you read this amendment, and the appropriate statute, you find that the ferry is defined as a public service. Then the tax does not apply.

Also, I want to point out that the second argument is that the amendment gives the Secretary the authority to reduce expenditures in the amount equal to the tax not collected.

Therefore, this amendment is in order.

The CHAIRMAN (Mr. DICKEY). The Chair is prepared to rule. Based on the last argument from the gentleman from Wisconsin, that the record new budget authority would be offset, the Chair holds that the amendment is in order.

Mr. ROTH. Well, I thank the Chair very much, and I ask for an affirmative vote.

The CHAIRMAN. That ruling is based on the last sentence of the amendment.

Are there other Members who wish to be heard on the amendment?

If not, the question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO: At the end of title I, add the following new section:

SEC. . LIMITATION OF USE OF AMOUNTS TO CLOSE MULTIMISSION SMALL BOAT STATIONS.

Amounts appropriated under the authority of this Act may not be used to close any multimission small boat station unless the Secretary of Transportation determines that the closing will have less negative impact on maritime safety than the elimination of Coast Guard administrative aircraft.

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, during the Traficant amendment, the issue was raised that we should not ask the Coast Guard to go back to the well; they could not find the few million dollars necessary to keep those 23 small boat lifesaving stations open. As I pointed out, it is one-tenth of 1 percent of the budget.

But since we did not want to mandate that the Coast Guard return to their budget and apply a magnifying glass, I decided, if the Traficant amendment failed, to offer one of my own and help them out.

I referred to a report of the Government, of the Department of Transportation and the Office of the Inspector General, and in regard tot he transportation activities of the U.S. Coast Guard, in particular, my amendment goes to one part of those transportation activities; that is, the private jet of the Commandant of the Coast Guard of the United States.

For the last year for which they have figures, the private jet utilized by the Commandant of the Coast Guard of the United States and others cost the Coast Guard $3,363,263, more money than is necessary to keep those 23 small boat life-saving stations open.

So the decision before this Congress is: Should we maintain a private jet which has been utilized by the Secretary of the Department of Transportation? He also has private jets in other parts of his budget and can also utilize the private jets at Andrews Air Force Base, and the Commandant of the Coast Guard, who used it about half the time, vice commandant, area commanders, other Coast Guard personnel, and surprise, surprise, Members of the U.S. Congress utilized the private jet of the Commandant, of the Coast Guard for an estimated $323,385 last year.

So is it better that we spend $323,385 ferrying Members of Congress around in the Commandant's private jet, or we save people who are drowing off the coast of Michigan and the Great Lakes and off the coast of Massachusetts and New Jersey?

I think that in these days where we are asking people to cut to the bone, and in these days when Congress is cutting back on its privileges, how can it justify a private jet which is used for Members of Congress, other people, and about half the time for the Commandant of the Coast Guard?

I, as one Member of Congress, would be quite willing to pony up a bunch of my frequent flier miles so the commandant would never have to fly in coach. He could always fly first class. Now, I am sure it is not going to be the same as a private jet. If there was an emergency and he needed a private jet, he could go to Andrews Air Force Base, where they maintain about 40 private jets for bigwigs in the military, and I am certain they would let him use one.

So why do we have private jets in the Coast Guard, private jets in the Highway Department, private jets in other agencies of the Federal Government, and then a whole bunch of private jets in the military? If we are going to keep private jets to ferry around Members of Congress and other bigwigs, let us get more efficient, put them all in one place. Let us operate them all out of Andrews Air Force Base.

This amendment is very simple. It would say the Secretary of Transportation would have to decide what is more important to the lifesaving mission of the Coast Guard: a private jet for the Commandant of the Coast Guard of the United States, others, including Members of Congress, or the 23 small boat lifesaving stations?

I think that many Members would join me in determining that in times where we have to cut back, we should make the cuts in the areas where it hurts least, and I think cutting private jets for Members of Congress and the Commandant of the Coast Guard would be, in this case, by most Americans considered to be a better cut than cutting 23 small boat lifesaving stations.

I do not believe that a person treading cold water off Nantucket Island or in the northern part of the Great Lakes or off the Oregon coast should have to wait 40 minutes to an hour for a Coast Guard rescue. I would rather the brass in the Coast Guard and Members of Congress waited 40 minutes for a commercial jet at National Airport.

Again I would be happy to contribute some of my mileage upgrades so none of those people will have to fly in coach.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment.

I am not sure I follow the amendment offered by the gentleman from Oregon. Maybe it is very cleverly drafted, or, in any event, I am not with it.

But I am going to have to oppose this. Much of this is what we discussed on the last amendment regarding the fact, folks, that I think the Coast Guard needs to have some flexibility as it conducts its self-assessment, streamlining program.

Now, some of my Democrat friends earlier were, tongue-in-cheek, and I did not object to this, were admonishing me for signing off on the administration's proposal.

Well, the Secretary of Transportation, whom I do not know well, and perhaps my friends on the other side may well know him better than I, but he had no problem at all with extending to the Commandant of the Coast Guard the flexibility to determine what stations are to be downsized, and as far as the jet, that obviously is a part of the Coast Guard air fleet.

I urge the defeat of the amendment submitted by the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, the amendment does not mandate that the Secretary of Transportation delete the private jet for the Commandant of the Coast Guard and Members of Congress. It merely says that the Secretary of Transportation must determine what is more important to the maritime safety of this Nation, private jet for the Commandant of the Coast Guard, Members of Congress and others, or 23 small boat lifesaving stations.

I think that we are just sending the issue back to Secretary Pena for another look, because I think perhaps, hopefully, his mind was not clouded by his two private jet trips the Commandant provided last year for $55,000, and hopefully he would look at this objectively and determine we do not need that private jet. It is a luxury jet. It is a personal aircraft. It is not a member of the fleet. It is not used for strategic or military purposes.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to commend my colleague from Oregon for proposing this amendment.

As the gentleman from North Carolina [Mr. COBLE] said, in terms of the background of it, it is very similar to the previous amendment, but I do want to commend the gentleman from Oregon [Mr. DEFAZIO], because he has, in effect, identified a source of funding in the Coast Guard to pay for us keeping open these small boat stations.

As was mentioned by some of the speakers in the debate on the Traficant amendment, this is really a question of priority. We all know we have a limited amount of funds and that we have to prioritize where we spend those funds. But the gentleman from Oregon [Mr. DEFAZIO] is saying the priority should be on saving lives and keeping open those Coast Guard stations which over the years have generated support not only with Coast Guard and Federal money but other auxiliary moneys and volunteer efforts to continue the search and rescue operations and the other things that the Coast Guard is involved with.

It certainly makes sense, in my opinion, to eliminate a private jet, clearly something that is frivolous and not needed. There have to be other ways the Commandant can go about traveling from one place to another and save the money by striking that item from the budget.

Now, I know the amendment does not go so far as to actually mandate that be done. I personally would not have a problem with that, but what he is saying is he is setting forth the Coast Guard has to make a decision and decide which is the higher priority.

I think there are very few of us that think that eliminating the jet and keeping these stations open is not a higher priority. I support the amendment, and I commend the gentleman from Oregon for bringing this option to the floor of the House.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleague from Oregon knows full well what kind of service the Coast Guard provides to our fishermen on the coast of Oregon. We are in a very dangerous water.

The small boat stations are extraordinarily important to not just fishermen but also to the people who are on their own boats on the coast.

It shocks me, Mr. Chairman, to find out that there is this private jet available, and the cost saving of the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] is extraordinarily sensible.

We have to, in this Congress, be honest when we say we believe in cost cutting. We have to say what we are going to cut and what we are not going to cut. It is no good saying we are going to be fiscally responsible and cut budgets if, in fact, we are cutting things that are so vital to our own citizens.

Mr. Chairman, I cannot tell you how important those Coast Guard stations are to the people of Oregon and the people of Washington, and it is a great favor for me to serve with the gentleman from Oregon [Mr. DEFAZIO], who understands that, too.

Let us cut this jet. Let us make sure the Secretary of Transportation knows what transportation is important to the country and to the people of this great Nation.

I really support and encourage my colleagues to support this amendment.

□ 1715

Mr. TRAFICANT. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I do not have a Coast Guard mini boat station in my district, and I did not really have a dog in the fight as far as losing any jobs, if that is the argument being taken, and I supported the efforts the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from New Jersey [Mr. PALLONE] and others because, quite frankly, I thought they were right. I support this amendment, and I want to commend the gentleman from Oregon [Mr. DEFAZIO].

The last time the Congress of the United States allowed for closings of small boat stations, the gentleman from Oregon [Mr. DEFAZIO] lost five lives of his constituency. Now I do not think the amendment is going to pass. I say to the gentleman, ''I am going to support your amendment, but I believe the Congress of the United States today has done something in concert with actions that have been much too often taken in this hall. Congress continues to pass the authority of governance to the White House, and the Congress of the United States in many cases is not being conferred with. Mr. DEFAZIO, I think you have made a valiant effort. You have certainly brought forward the issue, and nobody has done it better than you have, and you and Mr. PALLONE deserve a tremendous amount of credit for it. I'm going to support your amendment; I hope it passes.''

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The amendment was rejected.

AMENDMENT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOEKSTRA: Page 7, strike lines 12 and 13 and insert the following:

SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.

Page 7, line 14, before ''None of the funds'' insert the following: ''(a) MARITIME SAFETY DETERMINATION.—''.

Page 7, after line 18, insert the following:

(b) TRANSITION PLAN REQUIRED.—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

Mr. HOEKSTRA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Chairman, representing a district that you are well aware of; I understand you have a summer residence in west Michigan; you appreciate the beauty of the west Michigan shoreline. We are also very aware of the critical role that the Coast Guard plays in ensuring the safety of boaters and residents in my district. I do believe that it is necessary for the Coast Guard to streamline their operations, to be both efficient and cost effective, and also to represent the changing nature of their mission.

However, I do not believe this should come at the cost of safety.

As a Representative of a district that lines the coast of west Michigan, I am well aware of the essential role the Coast Guard plays in ensuring the safety of boaters and residents in my district. While I believe that it is necessary for the Coast Guard to streamline their operations to be both efficient and cost effective, I do not believe that this should come at the

cost of safety. H.R. 1361 already states that the Coast Guard cannot close a station until the Secretary of Transportation can certify that the action will not have a detrimental impact on public safety.

My amendment would add to this provision, stating that before the Coast Guard can close a small boat unit, they will have to work in cooperation and consultation with the affected communities in developing a transition plan that ensures that the safety needs of that community are being met.

By pulling in the community, the Coast Guard will hear the inputs and proposals from the people that are affected by their decisions and a healthy dialog can take place about possible alternative solutions. The Coast Guard has already informally agreed to this procedure but has failed to take action on it. My amendment will make communication with the communities a requirement before a closing can occur. Through this dialog, communities can work with the Coast Guard so that both parties will be comfortable with the end result.

Mr. COBLE. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from North Carolina.

Mr. COBLE. I apologize to the gentleman for interrupting, but I think I am correct that the gentleman from Ohio [Mr. TRAFICANT], his staff and my staff have signed off on this amendment of the gentleman from Michigan [Mr. HOEKSTRA], and we will accept the amendment.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Ohio.

Mr. TRAFICANT. We have no opposition to the amendment, however, the amendment is going to make everybody feel good. However, we have no opposition.

(Mr. HOEKSTRA asked and was given permission to revise and extend his remarks.)

Mr. CASTLE. Mr. Chairman, I rise in support of the Hoekstra-Castle amendment.

The Coast Guard has proposed closing 23 bases and reducing 13 bases to seasonal subunit status.

Many bases are outdated or inefficient. The intent of the amendment is not to oppose base restructuring—but to elevate community participation in the planning process.

In Delaware, the Coast Guard has proposed closing the station at Roosevelt inlet and reducing the station at Indian River to seasonal duty.

As you may know, the Commandant of the Coast Guard recently indicated they intend to prepare transition plans for communities affected by base closure. This amendment supports and expands on this promise.

The Hoekstra-Castle amendment requires the Coast Guard to:

First, work in cooperation with communities affected by base closures or base reduction to seasonal duties.

Local communities should be active participants in the policy making process.

Currently, Coast Guard plans do not necessarily include any further consultation with local communities.

Second, develop a transition plan to ensure safety needs are met.

Currently, transition plans will not be prepared for bases reduced to seasonal duties. The amendment requires transition plans for both base closures and reductions to seasonal subunit status.

A written plan will better identify the roles, responsibilities, and requirements necessary for a safe and smooth transition.

It is important to note that this amendment does not increase costs.

The Congressional Budget Office has indicated that the amendment will not change the scoring of the bill.

The base restructuring initiative will still save $6 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

SEC. . TRANSITION FOR CIVILIAN PERSONNEL UNEMPLOYED DUE TO CLOSURE OR REALIGNMENT OF COAST GUARD INSTALLATIONS.

(a) ELIGIBILITY FOR RETIREMENT.—A civilian employee of the Coast Guard assigned to the Coast Guard installation located at Governor's Island, New York, who becomes unemployed as a result of a closure or realignment of that installation and who would have been eligible for retirement within 5 years after becoming unemployed shall be eligible for full retirement benefits.

(b) ELIGIBILITY FOR REEMPLOYMENT.—For purposes of seeking new employment, the authorized geographic area of a civilian employee of the Coast Guard assigned to the Coast Guard installation located at Governor's Island, New York, who becomes unemployed is deemed to be all United States Coast Guard installations located in the United States.

Mr. NADLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COBLE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. COBLE] reserves a point of order on the amendment.

The gentleman from New York [Mr. NADLER] is recognized for 5 minutes in support of his amendment.

Mr. NADLER. Mr. Chairman, this amendment does two things with respect to the Coast Guard base on Governors Island. The Coast Guard base on Governors Island has been there since the Revolutionary War and is the largest Coast Guard base anywhere in the United States.

The amendment, as I said, does two things. It permits civilian employees who work at the Governors Island base in my district to compete for available jobs at bases anywhere in the country should their jobs be eliminated because of closure or relocation of the Governors Island base, which closure would eliminate approximately 600 Federal civilian positions. These hardworking people under current law would not be allowed to follow their work if it were relocated elsewhere in the country because their authorized geographical area within which they are entitled to follow the work is limited to New York, and there are no Federal Coast Guard jobs left in New York, and if the Governors Island base is relocated to, for example, Virginia or Florida, under current regulations these civilian employees would not be allowed to pursue those new positions. So the first thing the amendment does is permit them to do so.

The second thing the amendment would do would be to permit civilian employees currently working at the Governors Island base who are within 5 years of retirement to become eligible for full retirement benefits if they are displaced as a result of the base closure. This amendment would affect, this provision, affects, approximately 43 people who are within 5 years of retirement and would not otherwise be eligible for retirement benefits, and I would be pleased to support colleagues in offering the same protections with civil employees who work at other Coast Guard bases that may be closed or realigned. These people have loyally served the Coast Guard and have loyally served our country for over a decade and should not be cast aside when the Government goes on doing its business. If the base closes, they will not have the opportunity to work at all to earn full time retirement benefits because there are no Federal jobs in the area. The civilian men and women at the Governors Island installation have worked hard, they have played by the rules, they should be treated fairly, and that is what this amendment in both its provisions does, and, therefore, I ask for the enactment of this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina [Mr. COBLE] persist in his point of order?

Mr. COBLE. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBLE. It is my belief, Mr. Chairman, that the amendment from the distinguished gentleman from New York [Mr. NADLER] violates section 401(b)(1) of the Budget Act of 1974. It provides new entitlement authority for the current fiscal year.

The CHAIRMAN. Does the gentleman from New York [Mr. NADLER] wish to be heard?

Mr. NADLER. I await the ruling of the Chair.

The CHAIRMAN. Mr. DICKEY. The Chair is ready to rule.

The gentleman from North Carolina makes a point of order under section 401–B of the Congressional Budget Act

that the amendment offered by the gentleman from New York provides new entitlement authority effective during fiscal year 1995 on a bill reported to the House in calendar year 1995.

The Chair finds that amendment offered by the gentleman from New York provides new entitlement authority in the form of public retirement benefits. The Chair also finds that the new entitlement authority would be effective on the date of enactment of the bill. Finally, the Chair is constrained to contemplate immediate enactment of the bill.

Accordingly, the Chair holds that the amendment of the gentleman from New York fails to comply with section 401–B of the Budget Act. Accordingly, the point of order is sustained.

Are there any other amendments?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment Offered by Mr. NADLER: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

SEC. . PROCEDURES AND REQUIREMENTS FOR CLOSURE OR REALIGNMENT OF COAST GUARD INSTALLATIONS.

The Secretary of the department in which the Coast Guard is operating may not close or realign any Coast Guard installation except in accordance with procedures set forth in Public Law 101–510.

Mr. NADLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Chairman, this amendment provides that the Secretary may not close or realign any Coast Guard installation except in accordance with the procedures set forth in Public Law 101–510, which is to say except in accordance with the procedures utilized by the Base Closure Commission. This amendment would ensure that decisions regarding which installation of the Coast Guard may be closed in the future would be fair and impartial by requiring they be made according to the procedures that we have established for the Defense base closure and realignment by the Defense Base Closure and Realignment Act. We have established an independent commission to determine military base closures. This has achieved its purpose of providing a fair process that preserves the national interests and safety while affording fairness to affected regions. The same procedure is equally relevant and necessary if we are going to embark upon a course of closing Coast Guard installations to ensure a good Federal policy and fairness to different regions.

Mr. Chairman, as we streamline Government, we must maintain maritime safety, and we should use fair and impartial procedures to determine which Coast Guard bases are appropriate to close or realign, and I believe that the existing Base Closure and Realignment Commission could undertake this additional duty without a greater additional cost. So I submit this amendment, and I ask its enactment.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. NADLER].

Mr. Chairman, this amendment offered by the gentleman from New York [Mr. NADLER] would not allow the Coast Guard to close or realign any Coast Guard installation except in accordance with the procedure of the Base Closing Act, and I say to the gentleman, ''Mr. Nadler, I may be mistaken, but I don't believe the Base Closing Act extends its jurisdiction to Coast Guard facilities, No. 1, and, No. 2, I want to reiterate again, I favor giving the Coast Guard the flexibility to deal with search and rescue station closures, to reallocate resources appropriately, and I think that what the gentleman from New York is doing now is to, perhaps, attempt to do indirectly what has been failed earlier today.''

I therefore, Mr. Chairman, oppose the amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I commend the gentleman for his efforts, but I reluctantly, too, have to oppose this amendment.

Let me say this amendment would, in fact, place jurisdiction subject to this committee into a whole other legislative jurisdictional authority and would complicate severely the business at hand by our committee to provide such jurisdiction over the Coast Guard.

I am willing to work with the gentleman on the problems that he has, but I believe with this, and I have to agree with the chairman, it would not be in the best interests of the Congress and this committee, and, with that I reluctantly——

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I appreciate the sentiment expressed by the gentleman from Ohio [Mr. TRAFICANT] in his willingness to work with me in seeking to attain the aim of fairness and adequate consideration of closure of major facilities, and I must say that I did not intend this amendment, Mr. COBLE, to apply to small boat stations. I had in mind major facilities such as the Coast Guard station on Governors Island and other such major facilities which are really analogous to major military bases and, I think, should get analogous treatment, and I certainly would not want to tamper with the committee's jurisdiction, the jurisdiction of the committee on which I sit.

So I would look forward to working with the gentleman from North Carolina [Mr. COBLE] and the gentleman from Ohio [Mr. TRAFICANT] to work out this question to afford a fairer way of determining which major installations should be closed, if any, in a fair and impartial manner and with the assurances that they would be willing to work on this.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York [Mr. NADLER] is withdrawn.

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

SEC. . AMOUNT OF FEE FOR INSPECTION OR EXAMINATION OF SMALL PASSENGER VESSELS.

(a) AMOUNT OF FEE.—Section 2110 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k) The amount of any fee under this title for inspection or examination of a small passenger vessel may not exceed—

''(1) in the case of a vessel under 65 feet in length, $300; or

''(2) in the case of a vessel 65 or more feet in length, $600.''.

(b) INCREASE IN FEE.—The Secretary of the Department in which the Coast Guard is operating shall increase the amount of the fee charged by the Coast Guard for inpection or examination of large, luxury foreign-flag cruise ships under title 46, United States Code, in an amount adequate to offset any reduction in the total amount received by the United States in the form of such fee as a result of the amendment made by subsection (a).

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1730

POINT OF ORDER

Mr. COBLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBLE. Mr. Chairman, I believe the gentleman from Louisiana has offered an amendment that violates rule XXI, clause 5(b), because the increase of fees to foreign cruise vessels is not related to the cost of providing the service of the Coast Guard. It is not related to the cost of providng the service of Coast Guard inspections, and this, therefore, Mr. Chairman, is no longer a fee but a tax.

The CHAIRMAN. Does the gentleman from Louisiana wish to be heard on the point of order?

Mr. TAUZIN. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, the amendment provides for capping the fees that are assessed for inspecting small vessels at

$300 and $600, more closely related to the actual cost of inspecting these small vessels, and requiring the Coast Guard instead to assess, whenever the money is required to cap, these fees on the larger foreign cruise ships.

The problem is, of course, a budget one. We cannot put a cap on the fees on the low end unless we provide for collection of those same amounts on the high end of the scale.

The problem is that there is a tax in this bill. The tax is on the small boat owners. Mr. Chairman, I want to point out two things to you: The first is that under the current fee schedule small boat owners are being ripped apart. In many cases the cost of inspection bears no relationship whatsoever to the time spent by the Coast Guard in inspecting those vessels.

Let me illustrate for you. In Louisiana, Mr. and Mrs. Torres operate a small swamp tour boat, 25 feet in length. It is a small boat. They take passengers out to look at alligators. Twenty-five in length.

The Coast Guard says that they are charging $87 an hour to inspect the vessels. But the Torreses, who went through an inspection that took less than an hour, it should not have taken more than that, were billed for $545 of expenses for that inspection under this fee schedule.

In Galliano, LA, Mr. Jimmy Martin has three boats 85 feet in length. One of those boats was inspected for a total of one hour. He was not charged $87; he was charged $1,135. A similar case with Mr. Earl Griffin of Larose, LA, one of three boats inspected, each one 110 feet in length; the inspection took a little over 2 hours, $1,135.

If there is a tax in this bill, it is a horrible confiscatory tax on small boat owners. But that is not the only problem. The other problem is that recently the Coast Guard initiated a program called streamlined inspections. Now, under that program, if you have a great safety record, if your record in the boat business is so spotless, you are allowed to self-inspect and to self-certify to the Coast Guard that you meet all these criteria. That is a new program initiated to save people money, to save the Coast Guard the trouble and time of inspection, to just inspect the boats that need inspection, in effect.

Guess what? The Coast Guard is charging those boat owners the same price they charge other boat owners who they have to go out and inspect. They are calling it a cost of overseeing the self-inspection program.

This is a mess, Mr. Chairman. The Coast Guard user fee is using people all right. It is using them to death. And I suggest this amendment is vital and needs to get passed.

The gentleman says we are raising a tax by reallocating these user fees. We are not raising a tax. All we are doing is stopping this awful confiscatory tax on the smaller boat owners. What this amendment says is that the inspection fees ought to be capped at something reasonably related to the real cost and the time of inspection: $300 for a boat under 65 feet, $600 for a boat over 65 fee. That makes sense. For the Coast Guard to assess a $1,135 fee for less than an hour's worth of inspection, to assess a fee on those who self-inspected under a good-faith streamlined policy provision we adopted last year, is ridiculous.

Mr. Chairman, we ought to pass this amendment. You ought to rule against this point of order if for no other reason than the amendment makes such good sense.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. TRAFICANT. Mr. Chairman, I understand the position taken by the chairman of the subcommittee, and because of the tax implications I believe there probably exists technical points that speak to sustaining this point of order.

But I would like to make this statement in lieu of that, and I believe that the gentleman from Louisiana [Mr. TAUZIN] is a very valuable Member of this Congress. I believe he struck on a point here that deserves the concerns of our committee. I would like to ask the chairman if in fact this is stricken by a point of order because of those technicalities, the Budget Reconciliation Act of 1990 did allow for an opportunity to exist that does fit into this strategy that is offered by this legislation, perhaps we could visit that issue and see if we can mitigate some of those problems, because I think Mr. TAUZIN makes an awful lot of sense.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. COBLE. Mr. Chairman, I will be very brief. I think the gentleman from Ohio [Mr. TRAFICANT] raises a good point. I think the gentleman and the gentleman from Louisiana [Mr. TAUZIN] and I can visit this and perhaps bring the appropriate Coast Guard officials to the table. If what the gentleman from Louisiana [Mr. TAUZIN] says is accurate, and I have no reason to doubt it, some redress is in order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. DEFAZIO. Mr. Chairman, I am a bit puzzled as to how we can rule that the Coast Guard, in levying a confiscatory tax—that is, a boat operator in the southern part of my district last year was assessed one fee for five boats, and this year was assessed, because the Coast Guard person had to travel there, he did not think that was unreasonable, this year he was assessed five fees for the five boats as though five separate trips had been made and those were done in one trip. I am a bit puzzled how it can be that we are confronted with a confiscatory tax, which has been unilaterally imposed by the Coast Guard, and yet in this case when we are attempting—but it is being justified as a user fee—when we are attempting to adjust the user fee under the gentleman's amendment, we are determining it is a tax and we are out of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Chairman, I rise in strong support of the amendment offered by the distinguished gentleman from Louisiana [Mr. TAUZIN]. I would hope that my friend from North Carolina would reflect upon his raising of this point of order.

I have for a long time been expressing my own concerns about the proposed user fees for inspection and examination of commercial vessels. The final rule was issued by the Department of Transportation on March 18. Despite the fact that the department spent 3.5 years on this rulemaking, I do not believe that it has adequately addressed the concerns of the small businesses. In February 1992 as the department began the rulemaking process, I, and others, expressed concerns to the Subcommittee on Coast Guard and Navigation about user fee proposals that were disproportionately high for small vessel operators.

The gentleman from Louisiana [Mr. TAUZIN], from his own constituency in Louisiana, has mentioned fees that went over $1,000 for the inspection of small vessels. Small business cannot tolerate, that.

Over the past few years this has continued to be a priority for me and I know for the committee. It certainly has been a priority, Mr. Chairman, for many of the charter boat operators in my own State of Maryland and my district. My district, as the gentleman knows, is bordered by the Chesapeake Bay and the Potomac River, two of the great waterways of our country, and there are many small vessels in southern Maryland that are owned and operated by small businesses. Some are family operations, as the gentleman from North Carolina [Mr. COBLE] knows, that have passed down through the generations.

Mr. Chairman, it makes sense to limit the amount that these small businesses and family-operated operations would pay for their inspections. We are not against inspections, but we want to have a reasonable fee to effect them.

On May 2, I joined with the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Maryland [Mr. GILCHREST], and the gentleman from New Jersey [Mr. LOBIONDO] in reiterating our concern about this issue. In a letter to the gentleman from North Carolina [Mr. COBLE], we noted the Coast Guard has indicated its fee for inspection is about $87 an hour. Mr. TAUZIN has referenced how quickly that $87 becomes $587 and then $1,087. Yet small vessel operators are being

asked to pay hundreds of dollars for inspections that take less than 1 hour.

I regret the committee did not address this issue. The chairman happens to be a very close friend of mine, and I have great respect for him. I know he cares about this issue. I know that he feels constrained under the rules to raise this point of order, but, Mr. Chairman, if you have to press the point of order, and I would hope you might reconsider, but if you cannot reconsider, I certainly would hope very seriously that you would take the recommendation of my friend from Ohio [Mr. TRAFICANT], and that we pursue this vigorously, so that in the very near future, on one bill or another, we can fix this.

We talk about small businesses, we talk about decreasing regulation, we talk about cutting taxes. Here is a specific example of where we are driving small businesses out of business, family-owned sole proprietorships out of business, because they cannot pay it. This is almost confiscatory.

Mr. Chairman, I want to join with Representative TAUZIN in expressing my concern about the proposed user fees for inspection and examination of commercial vessels.

The final rule was issued by the Department of Transportation on March 18. Despite the fact that the department spent 3½ years on this rulemaking, I do not believe that it has adequately addressed the concerns of small businesses.

In February 1992, as the department began the rulemaking process, I expressed concern to the Subcommittee on Coast Guard and Navigation about user fee proposals that were disproportionately high for small vessel operators.

Over the past few years, this has continued to be a priority for me and many of the charter boat operators in my district. Maryland's Fifth Congressional District is bordered by two of our Nation's great waterways—the Chesapeake Bay and the Potomac River.

I regret that the committee did not address this issue in the reauthorization bill. I support the concept of asking those who rely on the Coast Guard to help pay for its services and I remain strongly committed to the Coast Guard's safety inspection program. However, Mr. Chairman, I do not believe that we can ask small vessel operators to pay more than their share.

Mr. TAUZIN's amendment places a cap on fees to ensure that they are not excessive. I commend him for bringing this issue to the floor and I hope that all Members will recognize the importance of protecting charter boat and other small vessel operators.

On May 2, I joined with Representatives TAUZIN, GILCHREST, and LOBIONDO in reiterating our concern about this issue. In a letter to Chairman COBLE, we noted that the Coast Guard has indicated that its fee for inspections is about $87 per hour. Yet small vessel operators are being asked to pay hundreds of dollars for inspections that take less than an hour.

There are many small vessels in southern Maryland that are owned and operated by small businesses. Some are family operations that have passed down through the generations.

Mr. Chairman, it makes sense to limit the amount that these small businesses would pay for their inspections.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. COBLE] wish to be heard further on the point of order?

Mr. COBLE. Mr. Chairman, I may be twisting it procedurally, but let me plow along.

Mr. Chairman, what I would say to my friend, the distinguished gentleman from Maryland [Mr. HOYER] is this: I feel obliged to insist upon my point of order. But I commend my friend, the gentleman from Youngstown, OH [Mr. TRAFICANT], and my friend from the Bayou, the gentleman from Louisiana [Mr. TAUZIN], did not hear me when I said this earlier, but I said in response to what the gentleman from Ohio [Mr. TRAFICANT] said, if what you indicate is true, and I have no reason to doubt it, redress is needed. This needs to be corralled.

I would say to the gentleman from Maryland [Mr. HOYER], assuming I got a favorable ruling from the Chair, we will make that happen as far as getting with the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Ohio [Mr. TRAFICANT], and I, and hopefully pursue a course that will be beneficial.

Mr. HOYER. If the gentleman will yield, I thank him for his consideration. I know all of us would. I thank the chairman for his consideration. I would hope that we did not have the point of order. Again, if we feel we have to do that, I am pleased we will pursue it in another forum.

The CHAIRMAN (Mr. DICKEY). The Chair is prepared to rule.

The gentleman from North Carolina makes a point of order against the amendment offered by the gentleman from Louisiana on the ground that it carries a tax measure in a bill reported by a committee—the Committee on Transportation and Infrastructure—not having jurisdiction to report tax measures, in violation of clause 5(b) of rule XXI.

Current law authorizes the collection of certain user fees to cover the costs to the Coast Guard of various vessel inspections. The amendment offered by the gentleman from Louisiana proposes to limit some of those fees and, as an offset, to increase another such fee. In doing so, the amendment destroys the character of the increased levy as a user fee.

By increasing the fee charged by the Coast Guard for inspecting large, luxury, foreign-flag cruise ships by whatever amount is necessary to offset specified reductions in the fees charged for inspecting other vessels, the amendment attenuates the relationship between the amount of the increased fee and the cost of the particular government activity for which it is assessed.

Under the precedents recorded in section 846b of the House Rules and Manual, a fee that is calculated in an amount that is not merely commensurate with the cost of the governmental activities that the class of assessed parties make necessary, but instead is collected as a proxy for general revenue financing of general governmental activity of broader benefit, may constitute a tax or tariff within the meaning of clause 5(b) of rule XXI.

The Chair finds that the proposed increase in the fee charged for inspecting cruise ships overcollects for the costs of the governmental activities occasioned by the parties on whom it is assessed to such a degree that it is properly characterized as a tax or tariff under the rule.

Accordingly, the point of order is sustained.

☐ 1745

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I particularly want to address these comments to my good friend, the gentleman from North Carolina [Mr. COBLE], with whom I have worked many, many years on Coast Guard matters and for whom I have the deepest personal high regards.

I wanted to first of all commend him for recognizing the serious problem and for his commitment to work with me and others to see if we cannot address it in this or some other forum. This bill is not finished. It goes to the Senate. It goes through a conference, and there may be an opportunity somewhere along the way for us to fix this mess. It may be that we have to do it in some other bill.

I want to commend the gentleman for working with me. I would encourage him to hold a hearing so we can hear from people around the country about the real effects of this fee schedule.

Mr. COBLE. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I say to the gentleman from Louisiana, I thank him for that. I can pretty well assure the gentleman that the gentleman from Ohio [Mr. TRAFICANT] and I and perhaps others on the subcommittee and full committee will meet with the gentleman. And thinking aloud, I say to the gentleman from Louisiana, a hearing might not be a bad course to pursue. In fact, I think it would probably be a good course to pursue.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman. While I brought up the case of my friend in Kraemer, LA who does the swamp tours, I want to remind Members that not all the alligators in America live in the swamps of Louisiana. This is a bad piece of regulation,

and I think we have got some alligators to deal with until we wrestle it to the ground.

With the gentleman's help, I think we can do it. I thank him for his commitment today on the floor of the House.

Mr. COBLE. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. Are there further amendments to the bill?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. DICKEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1361) to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes, pursuant to House Resolution 139, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COBLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 12, not voting 16, as follows:

[Roll No. 309]

YEAS—406

Abercrombie	Barr	Bilirakis
Ackerman	Barrett (NE)	Bishop
Allard	Barrett (WI)	Bliley
Andrews	Bartlett	Blute
Archer	Barton	Boehlert
Armey	Bass	Boehner
Bachus	Bateman	Bonilla
Baesler	Becerra	Bonior
Baker (CA)	Beilenson	Bono
Baker (LA)	Bentsen	Borski
Baldacci	Bereuter	Boucher
Ballenger	Berman	Brewster
Barcia	Bevill	Browder
Brown (FL)	Gephardt	Matsui
Brown (OH)	Geren	McCarthy
Brownback	Gibbons	McCollum
Bryant (TN)	Gilchrest	McCrery
Bryant (TX)	Gillmor	McDade
Bunn	Gilman	McDermott
Bunning	Gonzalez	McHale
Burr	Goodlatte	McHugh
Burton	Goodling	McInnis
Buyer	Gordon	McIntosh
Callahan	Goss	McKeon
Calvert	Graham	McKinney
Camp	Green	McNulty
Canady	Greenwood	Meehan
Cardin	Gutierrez	Meek
Castle	Gutknecht	Menendez
Chabot	Hall (OH)	Metcalf
Chambliss	Hall (TX)	Meyers
Chenoweth	Hamilton	Mfume
Chrysler	Hansen	Mica
Clay	Harman	Miller (FL)
Clayton	Hastert	Mineta
Clement	Hastings (FL)	Minge
Clinger	Hastings (WA)	Mink
Clyburn	Hayes	Molinari
Coble	Hayworth	Mollohan
Coburn	Hefley	Montgomery
Coleman	Hefner	Moorhead
Collins (GA)	Heineman	Moran
Collins (IL)	Herger	Morella
Combest	Hilleary	Murtha
Condit	Hilliard	Myers
Conyers	Hinchey	Myrick
Cooley	Hobson	Nadler
Costello	Hoekstra	Neal
Cox	Hoke	Nethercutt
Coyne	Holden	Neumann
Cramer	Horn	Ney
Crane	Hostettler	Norwood
Crapo	Houghton	Nussle
Cremeans	Hoyer	Oberstar
Cubin	Hunter	Obey
Cunningham	Hutchinson	Olver
Danner	Hyde	Ortiz
Davis	Inglis	Orton
de la Garza	Istook	Owens
Deal	Jackson-Lee	Oxley
DeFazio	Jacobs	Packard
DeLay	Johnson (CT)	Parker
Dellums	Johnson (SD)	Pastor
Deutsch	Johnson, E. B.	Paxon
Diaz-Balart	Johnston	Payne (NJ)
Dickey	Jones	Payne (VA)
Dicks	Kanjorski	Pelosi
Dingell	Kaptur	Peterson (MN)
Dixon	Kasich	Petri
Doggett	Kelly	Pombo
Dooley	Kennedy (MA)	Pomeroy
Doolittle	Kennedy (RI)	Porter
Dornan	Kennelly	Portman
Doyle	Kildee	Poshard
Dreier	Kim	Pryce
Dunn	King	Quillen
Edwards	Kingston	Quinn
Ehlers	Kleczka	Radanovich
Ehrlich	Klink	Rahall
Emerson	Knollenberg	Rangel
Engel	Kolbe	Reed
English	LaFalce	Regula
Eshoo	LaHood	Reynolds
Evans	Lantos	Richardson
Everett	Largent	Riggs
Ewing	Latham	Rivers
Farr	LaTourette	Roberts
Fattah	Laughlin	Roemer
Fawell	Lazio	Rohrabacher
Fazio	Leach	Ros-Lehtinen
Fields (LA)	Levin	Rose
Fields (TX)	Lewis (CA)	Roth
Filner	Lewis (GA)	Roukema
Flake	Lewis (KY)	Roybal-Allard
Flanagan	Lightfoot	Rush
Foglietta	Lincoln	Sabo
Forbes	Linder	Salmon
Ford	Lipinski	Sanders
Fowler	Livingston	Sawyer
Fox	LoBiondo	Saxton
Frank (MA)	Lofgren	Schaefer
Franks (CT)	Longley	Schiff
Franks (NJ)	Lowey	Schroeder
Frelinghuysen	Lucas	Schumer
Frisa	Luther	Scott
Frost	Maloney	Seastrand
Funderburk	Manton	Serrano
Furse	Manzullo	Shadegg
Gallegly	Markey	Shaw
Ganske	Martinez	Shays
Gejdenson	Martini	Shuster
Gekas	Mascara	Sisisky
Skaggs	Taylor (NC)	Ward
Skeen	Tejeda	Waters
Skelton	Thomas	Watt (NC)
Slaughter	Thompson	Watts (OK)
Smith (MI)	Thornberry	Waxman
Smith (NJ)	Thornton	Weldon (FL)
Smith (TX)	Thurman	Weldon (PA)
Smith (WA)	Tiahrt	Weller
Solomon	Torkildsen	White
Souder	Torres	Whitfield
Spence	Torricelli	Wicker
Spratt	Towns	Williams
Stark	Traficant	Wilson
Stearns	Tucker	Wise
Stenholm	Upton	Wolf
Stockman	Velazquez	Woolsey
Stokes	Vento	Wyden
Stump	Visclosky	Wynn
Stupak	Volkmer	Yates
Talent	Vucanovich	Young (AK)
Tanner	Waldholtz	Young (FL)
Tate	Walker	Zeliff
Tauzin	Walsh	
Taylor (MS)	Wamp	

NAYS—12

Christensen	Hancock	Ramstad
Duncan	Johnson, Sam	Royce
Ensign	Klug	Sanford
Foley	Pallone	Sensenbrenner

NOT VOTING—16

Bilbray	Gunderson	Rogers
Brown (CA)	Jefferson	Scarborough
Chapman	Miller (CA)	Studds
Collins (MI)	Moakley	Zimmer
DeLauro	Peterson (FL)	
Durbin	Pickett	

□ 1809

Mr. HANCOCK changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DURBIN. Mr. Speaker, in relation to the rollcall vote no. 309 on the Coast Guard Reauthorization Act, I was in a meeting in the Capitol here where the lights and bells that notify Members of the vote malfunctioned and we were unaware that the vote was taking place. Had I been here, I would have voted in the affirmative on rollcall vote 309.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, on rollcall 309 I was recorded as not voting. I was in a room in the Capitol where the voting notification system malfunctioned and there was no indication that a vote was taking place. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. MILLER of California. Mr. Speaker, I make the same request as my two colleagues. I was in the same meeting with them, and I missed the vote on rollcall 309.

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, I was unavoidably detained for rollcall 309, which was the final passage of H.R. 1361, the fiscal year 1996 Coast Guard

Authorization Act. Had I been present I would have voted ''aye.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1361, THE COAST GUARD AUTHORIZATION ACT OF 1996

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 1361, including corrections in spelling, punctuation, section numbering, and cross referencing.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 87

Mr. SALMON. Mr. Speaker, I request unanimous consent to withdraw my name as a cosponsor of House Joint Resolution 87.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SALMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—yeas 364, nays 40, answered ''present'' 2, not voting 28, as follows:

[Roll No. 310]

AYES—364

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOES—40

Abercrombie
Barcia
Bonior
Clay
Costello
Crane
DeFazio
Dicks
Durbin
Fawell
Fazio
Flake
Foglietta
Furse
Gibbons
Green
Gutknecht
Hastings (FL)
Hefley
Hinchey
Jacobs
LaFalce
Lewis (GA)
McKinney
Meyers
Mineta
Oberstar
Orton
Owens
Pombo
Roemer
Schroeder
Slaughter
Taylor (MS)
Thompson
Velazquez
Vento
Visclosky
Volkmer
Wise

ANSWERED ''PRESENT''—2

Graham
Harman

NOT VOTING—28

Ballenger
Brown (CA)
Callahan
Canady
Chapman
Chenoweth
Clinger
Coburn
Collins (MI)
Dreier
Edwards
Gunderson
Jefferson
Kennedy (MA)
Largent
Miller (FL)
Moakley
Nussle
Peterson (FL)
Pomeroy
Rogers
Saxton
Scarborough
Stokes
Studds
Taylor (NC)
Yates
Zimmer

☐ 1828

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ 1830

WRESTLING WITH FEDERAL BUREAUCRATS

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, as we wrestle with a way to save Medicare, I rise today to urge my colleagues to help me save college wrestling and other sports that have fallen victim to an intrusive Federal bureaucracy.

In my home State of Illinois, four of the major State-funded universities have either dropped or threatened to drop wrestling as a varsity sport.

These schools have been forced to consider these cuts because of a misinterpretation of title IX. The Office of Civil Rights in the Department of Education has demanded that schools drop men sports, such as wrestling, soccer, and swimming, in order to achieve numerical proportionality with women sports.

This is another example of what happens when good intentions turn into unintended consequences.

Mr. Speaker, the purpose of title IX is not to limit opportunity. The purpose is to create even greater opportunity for all of our young athletes.

As a former wrestling coach, I urge my colleagues to consider commonsense changes to title IX. Let us not allow Federal bureaucrats to pin down the hopes and dreams of millions of America's athletes.

COMMUNICATION FROM THE HONORABLE FRANK TEJEDA, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LATOURETTE) laid before the House the following communication from the Honorable FRANK TEJEDA, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 11, 1995.

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I write to notify you formally pursuant to rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the District Court of the State of Texas. After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

FRANK TEJEDA,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

[Mr. GRAHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

[Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

[Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO PETER AVILLANOZA—VICTIM OF OKLAHOMA CITY BOMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, today I want to remember a native son of Hawaii, Peter Avillanoza, who recently went to Oklahoma City to begin a new mission, as director of equal opportunity for the Department of Housing and Urban Development. He moved to Oklahoma City only a few months ago. He was 56 years old when he died in the senseless bombing of the Oklahoma City Federal Building.

Peter Avillanoza cared passionately about the people he served. He was a pioneer. Peter was assigned by HUD to work in Honolulu to help people comply with fair housing laws. He had been working in HUD's Orange County, CA office. He didn't come in with a big regulatory stick and levy penalties. Instead, he prevented violations from occurring in the first place. For 2 years, he reached out into the community to encourage consumers and industry to buy into the concept of equal housing opportunity for all. He made sure everyone—residents, landlords, realtors, financiers and public officials—knew their rights and their responsibilities, before the law was implemented. Today, as just one measure of his success, real estate industry in Hawaii requires all its professionals to be instructed about fair housing law before granting them certificates to practice.

Peter Avillanoza was born and educated in Hawaii. After graduating from Kaimuki High School in 1956, Peter Avillanoza joined the Army, got married and, after finishing his tour, used the GI bill to get master's degrees in business and criminology. While going to school, he worked as a Honolulu police officer and in the fire department.

Peter Avillanoza loved music, played several instruments and composed songs, Hawaiian music being one of his favorites. Friends and family recall the day he began singing gospel music. That happened just last August, when, at an outdoor religious revival, Peter walked up to the stage and made his peace with God.

Peter Avillanoza leaves behind a great legacy: his wife Darlene Dohi-Avillanoza, 10 children, 14 grandchildren, and 10 brothers and sisters. He raised his children with descipline, fairness, and love. And he stayed connected to them. No matter where he was, he called his children every week, thereby becoming the keeper of family news.

After the bombing, relatives rushed to Oklahoma City, struggling to find out any details they could. After 10 days of heartbreaking uncertainty, rescuers found his body on Saturday, April 29.

Yesterday in Honolulu, hundreds of friends, family and colleagues gathered to lay him to rest. Their memories of Peter Avillanoza, his love and his dedication will give them the strength to endure his loss.

And on behalf of the people of Hawaii, I wish to acknowledge the precious life of Peter Avillanoza and note the deep personal loss suffered by his family.

There will be no consolation for this family. The sadness they feel must be felt by all Americans. Only then, can we take the necessary steps to make sure that his life was not taken in vain. Hate and violence must be expunged from our culture, and replaced with the love and compassion exemplified in the life of Peter Avillanoza.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

REPATRIATION OF CUBAN REFUGEES TO CASTRO'S CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I rise today to express condemnation of the secret meetings that were held between the Department of State and the Castro dictatorship, and specifically between Under Secretary of State for Political Affairs, Peter Tarnoff and Communist Cuban official Ricardo Alarcon, which resulted today, a dark day in American history, in 18 Cuban refugees forcibly being repatriated to the Castro dictatorship.

Mr. Speaker, I want the Committee on International Relations, of which I am a member, to hold hearings and receive a full accounting of who specifically authorized such a process, and all details relevant to that process. During March I was assured by senior administration officials that no other options prior to those that had been publicly debated and discussed had been presented to the administration. And we had the head of the Cuban desk appear in my district talking to people from within the community, and yet, despite all of those statements made in public and private, this type of clandestine action occurred, and it belies private and public assurances made to me and others and therefore betrays trust.

I would like to know what was the specific role of the State Department in this latest process which was concluded in the joint statement of May 2 with the Castro dictatorship. What was the specific role of the National Security Council, and what individuals from the National Security Council were involved? I would also like to know if there are any other actual, understood, or implied agreements with the Castro dictatorship that have been made or are in the process of being made.

No doubt our Government should be keenly aware of the physical and psychiatric abuse and attacks and other forms of harassment and intimidation on dissidents to this day by Castro security forces. The State Department has documented it over the years in the ''Country Reports on Human

Rights Practices,'' including the report for 1994, and the United Nations Human Rights Commission in Geneva, Switzerland, has annually condemned Cuba for its gross violations of human rights. We salute such condemnation.

We also are aware of the deliberate sinking of the tugboat *13th of March* which this House of Representatives unanimously condemned which resulted in the deaths of 40 people, that incident, including over 20 children. In congressional testimony the Secretary of State has stated that the sinking demonstrated the brutal nature of the Castro regime. How does the U.S. Government intend to ensure the rights of individual dissidents, of human rights activists, of former political prisoners, and other objectors to the Castro dictatorship with legitimate claims to political asylum if they are picked up at sea and returned automatically to Cuban officials? Will there be any form of INS personnel on board, or where will they be taken to process their political asylum cases? Those questions remain unanswered.

Under Secretary Tarnoff suggests the Cuban dictatorship can be trusted. Yet it is my understanding that a group of 20 Cuban nationals who recently were deported by the Government of Belize to Cuba have been detained in Cuba by Castro's security forces. How can you ensure that Cubans whom the United States repatriates will be treated differently and that they will not suffer retribution? Can you be certain they will be able to keep their jobs, ration cards, apartments, and any personal effects that they put at risk upon leaving? What further ability will U.S. staff have to monitor the increasing flow to the U.S. Interest Section? I do not believe we have that capacity. And what is the State Department's position and this administration's position regarding Cuban law which was reinstated after the September 9, 1994 accords which forbids illegal exit from the country? It is my understanding that under that Cuban law, people who flee the country are considered as having created a crime punishable as treason. If the law is in effect, how is it possible to believe that repatriated Cubans will not suffer under said law?

Finally, we stated, this administration has stated and the Secretary of State has stated, that we want to foster change in Cuba. But if change is ever to come to Cuba, the human rights activists, the dissidents, and political prisoners who are willing to risk their lives under a brutal dictatorship must know that political asylum is available to them in the United States, and I do not believe the State Department has the necessary safeguards to ensure that those who fight for democratic change can acquire political asylum if their lives are in danger.

That is the reality of this policy that is forthcoming. The fact of the matter is that we could have sought the family reunification we seek to do with the people in Guantanamo, saved the taxpayers a million dollars a year, and not have negotiated with the Castro dictatorship in violating basic tenets of human rights, one, that we are a signatory to, the Universal Declaration of Human Rights, which is to ensure that people have the right to freely leave their country.

□ 1845

And in our case, in our own immigration law, to ensure that those who truly have a case for political asylum can purport it. The fact of the matter is this policy simply does not create that possibility, and in fact it dooms those who are political dissidents, human rights activists, the people who could make change in Cuba to knowing that the United States has closed their door on them.

It is a sad day in our history.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

[Mr. RAHALL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE CLEAN WATER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to discuss the Clean Water Act and the reauthorization that the House will begin to consider tomorrow and for the remainder of this week.

The Clean Water Act, as we know it, in my opinion, and the resources it protects are in jeopardy pursuant to this reauthorization that we are about to consider tomorrow.

In the committee process, waivers and exemptions have been expanded while bill-strengthening amendments repeatedly met with defeat, and the result of this legislation which we begin with tomorrow, H.R. 961, in my opinion, will be deterioration of over 20 years of clean water efforts, efforts that have successfully moved us in the direction of fishable, swimmable waters.

With H.R. 961, esoteric costs and benefits will rule the day at the expense of human health and safety and protection of invaluable natural resources. If H.R. 961, Mr. Speaker, as it now exists, is passed it will be more difficult, in my opinion, to explain to my constituents and others why they cannot fish in local streams, why they are losing business due to beach closings and other reductions in recreation and tourism, and why their property values have decreased or why their drinking water is not usable.

I would hope over the next few days, as the number of amendments are proposed on the House floor that would seek to strengthen the Clean Water Act and reauthorization and bring back, if not improve, the existing law, that we would see many of our colleagues join in targeting a number of detrimental provisions of H.R. 961, of which I would like to list a few.

One is the existing waivers for combined sewer overflows and industrial pretreatment. Another is ocean discharge in place of full secondary treatment. Another is the loss of wetlands protection, the abolition of the coastal zone nonpoint source program, the erosion of the Great Lakes initiative, the elimination of the EPA from dredged material disposal decisions, insufficient enforcement and lack of citizen rights provisions.

Mr. Speaker, if I could just read some sections of an article that appeared in the New York Times on April 2 which outlines some of the problems with H.R. 961. It says, and I am reading from sections, that the Clean Water Act of 1972, the existing bill, has done much to make America's water fishable and swimmable. Experts in both parties regard it as the most successful of the environmental mandates passed in Congress since Earth Day 1970. However, the new provision we are about to consider tomorrow in H.R. 961 blasts so many holes in this law it is hard to know where to begin. Basically, they would demolish the underlying strategy of the original act. The 1972 law conceded it was impossible to measure the dollar benefits of clean water against the costs of cleaning it up. So, in fact, if industry was instructed to use the best available technology to control pollution, even though that may not be the perfect answer, it has worked.

The new law, by contrast, would postpone any further improvement in water quality unless it could be provided the benefits in health, swimmable, fish stocks are worth the cost. That means monetizing the value of a cleaner environment, a nearly impossible process.

The bill that we are going to consider this week would relax national water quality standards, provide certain industries with further exemptions from whatever laws remain on the books, and make voluntary a program that now requires States and cities to control storm water pollution. Not least, it would reverse a 25-year effort to preserve diminishing wetlands. Scientists now estimate there are 100 million acres of wetlands remaining in the United States, doing what the wetlands do so well, filtering pollutants an nourishing organisms essential to the food chain.

By drastically narrowing the definition of what a wetland is, the bill would make millions of acres available to developers and the oil and gas industry.

In brief, the bill we are about to consider would make it much easier for polluters to pollute.

Mr. Speaker, I have to decry this legislation because I know for the last 7 or

8 years or so, since I have been in Congress, at the Jersey shore we have seen a steady increase in water quality. Beaches that in 1988, when I was first elected, were closed and were not available for tourism and were basically making almost impossible for the Jersey shore to come back economically, those beaches are now open, the water quality is improved, my constituents are looking forward to a great summer beginning the end of this month. But they can not believe that this House or this Congress would seek to gut, if you will, the very legislation that has made that possible.

I hope that many of my colleagues over the next few days will join with me in passing some strengthening amendments so that the Clean Water Act will continue to be viable into the next century.

FIGHTING THE WAR ON TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, on April 19 a tragedy occurred which rocked the Nation. For the second time in recent years, terrorists struck a target in the United States and, at the same time, dealt a blow to our national sense of security. As everyone now knows, a terrorist, or group of terrorists, exploded a car bomb in front of the Federal office building in Oklahoma City, killing hundreds of adults and children and leaving scores injured.

We, as a Nation, now realize that it could happen to any of us, anywhere, and none of us are immune—not even our children.

In the painful days which have followed, citizens began to take stock of the situation and Congress will consider its legislative options to address this. How can we prevent this kind of disaster from ever happening again? The most truthful answer is that we can't completely prevent these kinds of tragedies, but we can take appropriate steps to reduce the number and severity of them.

As the magnitude of the horror in Oklahoma City was fully felt, all Americans began to realize that the terrorist bombing had profoundly changed all our lives, not just those of us who have lost loved ones in the nightmare attack.

We experienced a tragic lesson that day. Terrorism is not just something to be feared from foreign nationalists; it can be a horror from within our country as well. There are obvious and dramatic lessons to be learned by the American people in the wake of this disaster. We need to examine the balance of power between the authority of the state versus the rights of the individual.

In the House, we are considering several measures. The State-Sponsored Terrorism Responsibility Act would hold state sponsors of terrorism responsible for their actions and allow American victims to have a means of redress. This bill will amend the Foreign Sovereign Immunities Act to provide specific jurisdiction for lawsuits against countries that support or condone terrorism, torture or genocide.

International terrorism poses a grave threat to the interests and security of the United States both at home and abroad. Outlaw states continue to serve as sponsors and promoters of this reprehensible activity by providing a safe haven, terrorist training and weapons. This legislation will make those states responsible for their actions and the actions of those they support in their terroristic efforts.

Other bills in the House would place new restrictions on the granting of visas to aliens linked to terrorism activities and would remove restrictions on a database that helps identify aliens with ties to terrorists seeking admission to the United States.

The House measure would also repeal the 1990 law that forbids consular officials from denying visas based solely on an alien's membership in a known terrorist organization and would establish deportation proceedings against aliens living in the United States and engaged in terrorist activities.

It would further restrict the use, purchase, sale and transfer of nuclear materials, plastic explosives and toxic gases and would encourage broader disclosure by consumer reporting agencies to the FBI for counterintelligence and counterterrorism investigations.

Finally, the House is considering legislation which would give the FBI greater access to hotel/motel records for the purpose of identifying subjects of terrorism investigations.

Each bill before Congress deserves careful consideration and I hope we will be able to incorporate the best ideas of each into a bipartisan antiterrorism package with sufficient teeth to help us put an end to the senseless criminal violence we have seen in Oklahoma City, at the World Trade Center, on the Achille Lauro and in the skies over Lockerbie, Scotland.

And for the families of those who were killed in Oklahoma City we offer our prayers and condolences. We will do everything within our power to ensure that those who committed the cowardly acts of violence will be brought to justice and punished. It won't bring back those who lost their lives, but it will send a strong signal that our Government will no longer tolerate such acts against the freedom-loving people of this great Nation.

A DARK DAY IN AMERICAN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DEUTSCH] is recognized for 5 minutes.

Mr. DEUTSCH. Mr. Speaker, at about 12 o'clock this afternoon, a United States Coast Guard vessel brought 13 Cubans who had left Cuba in a raft back to a military base inside of Cuba. That Coast Guard vessel was escorted by two Cuban naval warships in this act.

It is a first time. Today is truly, unfortunately, a dark day in American history, a dark day for the Coast Guard, a day which hopefully will be a very short day and short time period in American history.

But if we do not act, it will be a day that in years to come people will look back, I am sure, with remorse and regret, the first time in American history that the U.S Government has repatriated people to a Communist dictatorship.

It is a symtomatic problem of a Cuban policy by this administration that has been schizophrenic, at best. We were told during the Guantanamo exodus that it was impossible to blockade the island. Yet the administration, in fact, has blockaded the island with the help of the Cuban Government and Cuban Navy in a one-way blockade, preventing people from leaving.

The island could have been blockaded several months ago, in fact, even up to a year ago, to prevent a migration which did occur of tens of thousands of people.

Our country has become a partner with Castro in repression of his people at this point in time. The 13 people that have been returned to Cuba were not sent back to Canada, were not sent back to Mexico, were sent back to a country which this Government has continuously called, and by accurate, independent accounts from Amnesty International, press accounts, the most repressive government in this hemisphere, a terrorist government, a government in terms of world history that stands out as one of the worst abusers of human rights in the history of this planet.

The Attorney General, in announcing this change in policy, said that those who returned to Cuba were to be guaranteed no reprisals. I asked the Attorney General this evening why then the secrecy in the return, why then the delay in the actions? These people were picked up in a boat on Friday. Today is Tuesday.

It defies logic, based on the history of the country of terrorist incidents that occur in Cuba almost on a daily basis that we know about, obviously scores that we do not know about, that there will not be reprisals. It defies logic.

You do not have to be the Secretary of State of the United States, you do not have to have gotten a Ph.D. in international relations to understand the nature of the Cuban Government.

And again, I asked the Attorney General why into a military base, why not into Havana Harbor where there would have been at least some foreign press to record the incident, some stringers

from local papers in south Florida to record the incident?

There is a real question as well in terms of the process of determining political asylum of those 123 people while they were on the vessel. The administration has given myself as well as other Members of Congress who have inquired totally conflicting reports in terms of the status hearings of those people.

This administration and, in fact, this Congress is faced with a choice. We cannot have it both ways. We all profess that our desire is to bring down the Castro dictatorship, which we must bring down, a relic of decades past, an evil empire 90 miles from our shore. And yet in order to do that, we have the resources at our disposal to do it. Yet we have chosen not to.

□ 1900

HAVE WE LEARNED NOTHING FROM OKLAHOMA CITY?

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, I rise in outrage to take exception to words attributed to a constituent of a Member of this House, as reported in the April 26, 1995 edition of The South Whidbey Record published in 2nd District of the State of Washington, that a revered, senior Member of the U.S. Senate should be killed, and that the person killing him should be given a medal during a Town hall meeting which I assume was called at taxpayers' expense.

I take even greater exception to the fact that a Member of this body did not disavow or dissociate himself from, his constituent for calling for the murder of a sitting Member of the U.S. Senate, Senator ROBERT C. BYRD of West Virginia.

I take great exception to a Member of this House, who not only did not censure or otherwise refute his constituent's call for murder, but allegedly went on to state, and I quote:

''He should be tarred and feathered and run out of the country.''

Peter Coogan, staff reporter for the aforementioned newspaper in south Whidbey Island, WA, who opens his article with the words: ''To Kill a U.S. Senator or merely to tar and feather him,'' reports that a Member of this body, whom he claims was elected based on a campaign that attacked the Federal Government, allegedly made the statement at a town meeting in response to his constituent's call for the ''killing'' of Senator ROBERT BYRD.

Mr. Speaker, these are dangerous times for unguarded, irresponsible speech, and we have every reason and every right to expect a Member of this body to strongly disavow such speech and to advise any constituent that murder is not an option in this country.

Am I in a total state of stunned disbelief that a Member of the House of Representatives let this kind of statement about killing a U.S. Senator go unchallenged when such rhetoric may have led to the killing of more than 160 innocent people in Oklahoma City's Federal building? Yes, I am.

Have we learned nothing from that evil act that shook a nation to its core?

Should I be surprised at such rhetoric being used in just days after Oklahoma City, when the GOP's national committee planned to have as its honored guest a convicted felon-turned-radio-talk-show-host at a gala party fundraiser only days before the last body was brought out of that bombed out Federal building? A talk-show host who advised his listeners to shoot for the head of Federal agents, as the best way of killing them, and who bragged about using profiles of our President for target practice? Why be surprised?

Mr. Speaker, I request that the newspaper article to which I have reference be printed in the RECORD immediately following my remarks.

Mr. Speaker, the newspaper article to which I referred is as follows:

[From the South Whidbey Record, Apr. 26, 1995]

METCALF SAYS BYRD SHOULD BE TARRED, FEATHERED

(By Peter Coogan)

To kill a U.S. Senator, or merely to tar and feather him.

The question sparked some light-hearted banter between U.S. Rep. Jack Metcalf and one of his constituents at a Congressional Town Hall Meeting in Oak Harbor Saturday.

It came up when Metcalf tried to explain why, as a rule, he votes against large, heavily amended ''omnibus'' spending bills, even if they contain some good ideas.

As an example of past abuse, he said a senator had hidden the cost of a Coast Guard facility for an East Coast state in the emergency relief spending for victims of the California earthquake. He asked the crowd to guess which eastern state.

''West Virginia,'' said Angelo Kolvas of Oak Harbor.

Yes, Metcalf said. The culprit was former Senate Appropriations Committee Chairman Robert Byrd, D-West Virginia, who ''steals money all over America.''

Metcalf started to suggest some punishment for Byrd, saying ''he should be——''

Kolvas interrupted with ''somebody should kill him and give them a medal.''

Metcalf said: ''He should be actually tar and feathered and run out of the country. I mean, I'm serious. He steals money because he's chairman of the Senate Appropriations Committee, or one of the committees, and he's always the one on the conference committee, in the middle of the night. He's stuffing pork in there for West Virginia, brutally.''

Kolvas suggested that other congresspeople are guilty of the same thing.

''This gentleman is right,'' Metcalf said. ''It is the fault of Congress, but Senator Byrd still should be tarred and feathered.''

Telephoned later, Kolvas said, ''I am not a vindictive person but if that guy would die today, that wouldn't bother me a damn bit.''

He added, ''I really don't think anybody should kill Byrd. That was a little strong.''

RETURNING FISCAL SANITY TO OUR BUDGET PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. I rise, Mr. Speaker, to engage my colleague from California in the 5th installment of our series of colloquys. The gentleman from California [Mr. RADANOVICH] and I have in the past now 120 days, I believe approximately, talked about the Contract With America, and the themes behind the Contract With America, and the regulatory reform, and legal reform, welfare reform, and a lot of the initiatives that we campaigned on that formed the Contract With America, and, Mr. Speaker, I have been thinking about that a lot these last days as now this great House turns its attention to Medicare, and the Federal budget, and doing what a lot of us were sent here to do, which is to return a sense of fiscal sanity to this country and to the budget process of this House. And, Mr. Speaker, as I thought about all this, and I thought about a lot of the rhetoric being heard around this town these days, I again thought about the common themes that seem to occur or recur every time we discuss an important issue in this House, and the premise, whenever comes to an economic issue, Mr. Speaker, seems to be all tax cuts cost the United States Treasury in direct proportion to the tax cuts. Tax cuts are mutually exclusive of the budget cuts. There is no multiplier effect when tax cuts put more money into the pockets of individuals and business.

Premise number two seems to be that we ignore the accepted economic realities and real life experiences of tax increases on the one hand and tax decreases on the other, and, Mr. Speaker, I thought of all this in the context of Medicare and what this majority is now planning to do with respect to Medicare, because there is certainly a lot of talk these days, a lot of heat, and smoke and mirrors on this floor and around this town, and Mr. Speaker, in order to create a context for this debate I thought to myself what example could I think of in the recent past where good politics and bad economics came together.

And Mr. Speaker before I get to that, I would like just to tell the House an example of what I am talking about. Today's message from the House Democrat leadership:

GOP makes its choice. Seniors cough up $900 a year to pay for the wealthy's tax cut. House Republicans returned from the party conference last week united by a plan to cut Medicare to pay for the $345 billion tax cut for the wealthy. Under the pretense they will be, quote unquote, fixing Medicare. Republicans have identified Medicare cuts as the cash cow for their tax give away to the wealthy.

As I was thinking about this, Mr. Speaker, I thought about the debate we had in this House before the gentleman from California [Mr. RADANOVICH] and I came here. I know I was in the State legislature. That was the great debate concerning the luxury tax, and Mr. RADANOVICH will talk about the luxury tax in its place in the middle of this debate in a minute, but I see the gentleman brought some famous tax quotes with him today, and I ask why you brought those quotes.

Mr. RADANOVICH. I say to the gentleman, ''Thank you, Mr. EHRILICH. A couple of past quotes from two different periods, one in 1990, then one in 1995, one representing the majority held by the other party, this 1995 representing the majority that now currently exists, the Republican majority in the House.

It is the same old game. Republicans are out to cut taxes, and strictly for the rich, for their sole benefit, and I think that nothing seems to change.

The gentleman may have a quote here.

Mr. EHRLICH. This bill is fair, it raises more money, again on a progressive basis, from those who can afford to pay and who have paid least during the decade of the 1980s. That is the quote from a Member of this House, the context of the debate during the luxury tax; correct?

Mr. RADANOVICH. Right, and the same quote being is this sacrifice balanced and fair. And indeed it is. Fifty percent of the revenue burden falls on the wealthiest income earners in this country, and that is the way it should be.

Mr. EHRLICH. Now the people of this country will remember the great luxury tax. It placed a 10-percent surcharge on a portion of a purchase price over $100,000 on private boats and yachts. Congress established similar taxes on furs, jewelry, cars and airplanes.

Now, this in my view, Mr. RADANOVICH, is the best example I can think of where good class warfare politics meets economics 101, and you know what? Politics always loses because combined with the recession, Mr. Speaker, the tax nearly killed an entire industry in this country. The tax adversely effected every segment of the industry, manufacturers, retailers, and blue collar workers, and is that not the ultimate irony, Mr. RADANOVICH, that tax warfare ends up hurting blue collar workers because blue collar workers have the jobs that build the items that are now overtaxed that put them out of business?

Mr. RADANOVICH. And history provided that example as a result of the yacht tax in the last 2 years; is that not right?

Mr. EHRLICH. We have seen that every year. In fact it is very interesting for me to go back, check, have my staff to go back and check the revenue projections from the luxury tax, because obviously it is a static score; right? You tax something, you get more of it.

Wrong. The new 10 percent luxury tax on boats, cars, furs, et cetera, was to raise $25 million, Mr. Speaker, in its first year, 1991, and almost $1.5 billion over 5 years, from 1991 to 1996. And you know what it did? Sales of boats under $100,000 purchase price dropped 12.2 percent. Sales of boats over $100,000 dropped 52.7 percent. The sales of volume of boats under $100,000 of value dropped 28 percent, to $129 million. Sales of boats over $100,000 dropped 71 percent, to $73 million. According to the National Marine Manufacturers Association at the time of repeal, big boat sales were down 70 percent from peak levels in 1988.

And here is the ultimate irony as we have discussed. At the time of the repeal, Mr. Speaker, the National Marine Manufacturers Association estimated that the luxury tax created a net loss of 30,000 American jobs and destroyed dozens of companies in the process. Other estimates were higher, up to $45,000. And I would direct a question to my colleague from California: What does this teach us?

Mr. RADANOVICH. The big lesson is that, if you want to raise revenue, you have to got to cut taxes. You cannot raise revenue by raising taxes, and I think that is the big lesson we have learned over the last 4 years, and I think that is what this new majority is trying to implement in their tax cuts.

Now there is two arguments when the Democrats accuse the Republicans of gutting Medicare to benefit the wealthiest Americans. There is two arguments here. One is that the basic argument is that, if you cut taxes, if you regulate people less, and you tax them less, they are going to be more productive, and I think that is one basic question. The other basic question on Medicare is the fact that on its own Medicare will go bankrupt in 5 to 7 years.

Mr. EHRLICH. And who says that? Who makes that statement?

Mr. RADANOVICH. All you have to do is look at the books, and you will know that is what is going to happen with Medicare, so regardless of—balancing the budget is not an issue with Medicare. It is fixing the system and doing what is necessary in order to make that system not only work for the people that are currently drawing benefits, but it also worked for people, you and I, and those that are 18 and 20 years old, when they come into the time of their life when they need that service as well.

So there are two basic issues there that are not commingled, and the fact if we wanted to, if the Republicans wanted to benefit the rich, what they do is cut taxes and cut regulations. Then that would not only benefit the rich, but the middle class and the poor. Because the Democratic assumption that cutting taxes, for example, capital gains, would be a benefit to the rich is an insult to the poor because, not only would it make more capital available for venture capital and expansion to the rich, but also the middle class and the poor, and it is almost an insult to the poor to say they could not take advantage of that.

Mr. EHRLICH. Does anyone doubt that the capital gains tax cut will increase revenue flowing into the Treasury? Tax cuts work. The Reagan tax cuts of the 80's, the greedy 80's we hear about so much, increased revenue into the Federal Treasury. The problem during that decade was, as we know, spending went out of control, and I see the 1995 quote from a Member of this, of this body, and this is my favorite I have to say. It combines a lot of different themes that we have talked about. The hard fact is that voodoo economics, trickle down economics too, which this package happens to be, referring to the tax package and the Contract With America, is nothing more or less than a raid on the poor, a slap to the rich and a benefit to those who have no need of tax expense, sweat it out the hides of those who have the least.

Mr. RADANOVICH. Not so.

Mr. EHRLICH. Why?

Mr. RADANOVICH. It just is not true, and I think, if you pose the argument that if a person is taxed less and regulated less, then they will be more productive, is an argument that both sides of this aisle will buy.

☐ 1915

But if you go to the next stage of the argument and say OK, how do they begin to regulate and tax less to the benefit of the American people, this side of the aisle says all right, let's go. Let's work this plan out.

That side of the aisle says no. But there is no logic behind why they are saying no, because that side of the aisle will also agree to the fact that if we are taxed less and regulated less, we will be more productive. But their logic starts there. God knows why.

Mr. EHRLICH. Maybe the answer is in the 1996 elections. I simply do not know. But is it not interesting how these quotes are so similar? A proposal that obviously failed miserably in 1990, they used the same rhetoric against the tax cuts contained in the Contract With America, and now, most disturbing to me and I think to you, is now the offshoot of class warfare. You see class warfare here, and the American people recognize class warfare when they see it. That is all they see.

I know the gentleman wants to discuss it. I know the gentleman wants to comment on my point, which is now that with Medicare in the budget, we not only have class warfare, we have the offshoot, generational warfare. ''Let's turn the generations and not just the classes against each other.'' That is the most unfortunate aspect of this national debate occurring today.

Mr. RADANOVICH. I would say the bottom line motive behind that approach from the other side of the aisle

is to retain more control in Washington, because the big debate in Washington is not necessarily balancing the budget, although that is very important; it is who is going to have control. Is it going to remain here in Washington, DC, or is it going to get down to the most local level possible, via the States down to local governments and closest to the American people in their own homes? That is really the threat.

That is why you see baseless arguments like this. You see people on the other side of the aisle class warfare baiting, only for one reason, and that is to keep control in this House, in the other body, in this town, in Washington, DC. It is called centralized government. It is where you have a lot of control over a lot of people.

Some people like that. Those of us newly elected to Washington do not want that. We want the American people to have the control, and that is what we are trying to do here in Washington.

Mr. EHRLICH. Is it not refreshing with our class, the new leadership, the Speaker, we have people here who are willing to challenge assumptions that really have been accepted by many Americans, many well-meaning Americans, for the last 40 years. We are willing to challenge those exceptions. And we have one person in Washington right now, the Speaker of the House and the leadership, willing to go to the American people and say, look, we have got a problem. And the Speaker has gone out of his way to ask the President to help in a nonpartisan way.

We have people who are willing to challenge assumptions and make a political gut check, cast tough votes, because we both know, we just got back from break in our districts, if we do not cast tough votes, if we do not follow through on our promises, honeymoons are short in American politics today. We will not be here for long.

We are both freshman. This is not a bad job. We kind of like it. I like representing the people of the second district of Maryland, I have to tell you.

Mr. RADANOVICH. I will say, us being new Members, we could remain here a long time, if it were not for two things, and not do the business of our district. In the past I think it used to be elected representatives would come to Washington. They would say one thing in their district, they would do the other thing here in Washington. For a long time the tolerant American people gave their elected representatives the benefit of the doubt that they were doing the right thing in Washington.

Well, two things changed that. One is C–SPAN and the other is talk radio. I do not think anybody can afford to come to this body anymore and say one thing in their district and not do the same thing here, because there will be a lot to pay on election day. So that motivation and that way of operating is now unmasked.

If this gentleman and this gentleman want to stay in this House for very long at all and serve the needs of their district, they better do what they say in their district here on the floor of the House. I think C–SPAN and talk radio are the big changes that made that possible.

Mr. EHRLICH. I agree. When we have a tough vote, the phones and faxes go off immediately. The American people are tuned into what is happening on this floor and they know facts.

I think the best news I brought back from our 3-week break in my district was the fact that this kind of stuff no longer goes over with the American people. They see it for what it is. It can work at times. It certainly worked a few years ago in the course of the Presidential race. But dividing people, labor-management, poor-rich-middle class-lower middle class, young and old, is no longer the answer, not politically, and it has never been the answer economically, at least in my district.

I would direct a question to the gentleman. In my district the people said look, BOB, we know we are not going to agree with you on every vote. But we like the fact you had an agenda, you ran on that agenda, you passed that agenda, and now you are willing to do the tough things that we sent you to Washington to do.

Mr. RADANOVICH. I think that people in my district sent me to Washington to make the tough decisions. If I listen and do what I think is right according to the philosophy that they knew what I believed in when they elected me, then I have their support. If I betray any of that, I do not have their support. That is the way this game works. That is just the way it is.

I would like to comment on a couple of things, one being Medicare, and the other one also being the tax cuts. If the Democrats, people on the other side of the aisle, are willing to sit down and have a debate, rather than resorting to what we call class warfare baiting, which it is nothing more than class warfare baiting to keep a strong centralized government in Washington, then let's agree on two things. Let's agree that the Medicare system, number one, is going bankrupt, and let's work together to solve that, be it cuts, additional money, anything else, let's solve that problem.

The second problem that needs to be solved is let's together realize if people are taxed less and regulated less, they are going to be more productive, and let's build a tax cut structure that will allow that to happen in this country. If you really want a cooperative effort in this House, you will agree on those two things and proceed from there.

We do not need this stuff. The American people do not buy it, we do not buy it, it is not true. There is no class warfare baiting here. The Republicans are not here for the rich. I do not know how many Republicans are rich anyway. I am not a rich Republican. But it just does not work.

This was an article, editorial, in the Washington Times today, ''Not Rising to Class Warfare Battle.'' And that is exactly what Republicans are doing. They are not rising to the class warfare battle.

Mr. EHRLICH. I am not going to embarrass the gentleman. We have a famous quiz at the bottom. I will not embarrass the gentleman by asking which year and which bill these quotes were directed toward. The fact is you see the quotes. ''Cheesy tax cut promises only make Americans cynical about government.''

Can you imagine that, putting more money back in your pocket so you can grow, so you can take a risk, begin a business and hire people? That makes you cynical about government?

I think tax fairness is an idea that all Americans understand and endorse irrespective of income level and party affiliation.

Fairness. That is an interesting concept. Fairness and equity. My idea of fairness and equity and who is rich and who is not may not comport with yours. Is not that correct?

Mr. RADANOVICH. I believe so, yes. I think that this is a smack in the face of every individual American in this country that wants to do good and be prosperous, and be personally responsible for their own actions. I think that first quote is right there. And you know, it does boil down to different viewpoints of how we treat individuals in this country and how this side of the aisle looks at the individual and says you have that responsibility, go for it, and the other side of the aisle looks and says you cannot do these things, we need to do it for you. There is a big difference between those two outlooks.

Mr. EHRLICH. Absolutely. I agree. There is my final observation here. I hope that what we saw in 1990 with respect to the luxury tax, what we saw 2 months ago with respect to welfare and tax reform, are theories and strategies of the past, because one of the more frustrating parts of our job is when we go back home and meet with groups and they repeat rhetoric they hear on C–SPAN and talk radio, and read in the newspapers, and that rhetoric conflicts with facts.

I know in the course of the welfare debate, in the course of school lunches, for instance, in the course of now the Medicare and the budget debate, we all want to debate ideas and numbers. We have legitimate differences with the other side. Reasonable people can disagree about our budget proposal and Medicare. And I know I join with the gentleman asking just one simple thing, that when the debate begins tomorrow, or tonight actually, that the other side uses real numbers, facts. I am glad to debate facts. I do not like debating rhetoric.

Mr. RADANOVICH. And do not use class warfare baiting. It is not fair to say someone is for the poor any more than anyone else is. We are all here

to do good for everybody. Nor generational warfare.

Mr. EHRLICH. I thank the gentleman from California. It is good to see him. I am sure we will revisit this issue, and maybe when we come back to this floor in a week or two or three, we will be able to report to the American people that we had a real good debate about the budget and about Medicare, and it never broke out into generational warfare. And the President actually was relevant, became part of the process as well. I would love to report that to the people of the Second District, and I would look forward to joining the gentleman again at that time.

Mr. RADANOVICH. You bet.

KEEP EDUCATION IN THE BUDGET

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are about to move into the most important phase of the legislative process, and that is the budget. The Committee on the Budget I understand will be deliberating this week and by this time next week we will have on the floor of the House the budget for fiscal year 1996, the proposed budget of the House committee.

The announcement is that one of the proposals in that budget coming to the floor will be a recommendation, a proposal to eliminate the Department of Education.

The attack on education is one of the most baffling elements of the approach by the present majority of the House of Representatives to the Federal Government and its priorities. The attack on education comes at a time when we are in a global competition with other industrialized nations for the markets of the world, and that competition is likely to get worse. Everybody has conceded that education is a vital component of whatever effort this Nation puts forward in order to be economically competitive, now and in the future.

We have had a continuum of concern expressed about education since President Reagan appointed a commission, and that commission came back with a report entitled ''A Nation at Risk.'' ''A Nation at Risk'' was a report that alarmed many leaders in America. President Reagan never appropriated any money of any kind to follow through on the recommendations of the report, but he did endorse the findings of the report and called to the attention of the American people the fact that it was a very serious problem, we had a very serious problem.

President Bush came along and began to try to take steps to implement some Federal policies with respect to education which would provide greater guidance to the localities and the States. Education is primarily a state function. The Federal Government provides leadership and guidance that is very vital and important, but when it comes to expenditures for education, it is the States and the localities that provide most of the funds for education.

I think about 7 to 8 percent of the total education budget may be federally financed. Out of more than $360 billion spent on education from kindergarten to postgraduate, only about 7 or 8 percent of that was Federal funding. It went down during the Reagan administration to as low as 6 percent, and began to come back up under the Clinton administration, moving toward 8 percent. So although we provide only a small amount of the funding, the Federal guidance, the Federal sense of direction, has been considered very important, since the report ''A Nation at Risk'' was released.

''A Nation at Risk'' showed the industrialized nations have some kind of centralized guidance with respect to their education systems. Many of the industrialized nations, of course, go much further than we would ever want to go in terms of they not only guide education, they administer it and set the policies and dominate education.

In France, Great Britain, you have most of Europe with centralized education policymaking. Traditionally, in this country it has always been education is a state and local matter, and the freedom of local school boards to operate has always been a cherished one. Nobody wants to change that.

□ 1930

But there are extremes. I think the European model of centralized, highly centralized education or the Japanese model of highly centralized ministers of education dictating to all parts of the country what happens in schools is one extreme. The other extreme is for the Federal Government to take no meaningful role at all. At one time our Government had no meaningful role. There was a long, long debate as to how much our Government should become involved in education. We became involved in high education, universities and college education long before the Federal Government ever became involved in public education, elementary and secondary education. There was a long, long debate.

It was during the Great Society years that President Lyndon Johnson moved us into support for elementary and secondary education, and that came in the form of attempting to come to the aid of the poorest school districts in America. The poorest districts needed help. And the original elementary and secondary education legislation was targeted to the poorest districts, and to a great degree that is still the case. Most of our aid is theoretically targeted to the poorest school districts and the poorest children in America.

There was a long debate before the Federal Government took this step. The creation of the Department of Education took a long, long time also, a great deal of discussion and debate. And finally, the Department of Education was created by President Jimmy Carter. After the Department of Education was created by Jimmy Carter, of course, he lost the election and Ronald Reagan became the President. And he was ambivalent about the Department of Education. Some days he wanted to eliminate it; some days he was willing to support it.

There were always these forces at work which because they were schizophrenic did nothing to enhance the work of the Department of Education. The Department fell into some extremist patterns on the one hand and was not very useful during those years when it existed under a cloud.

It survived, however. And it existed for the 4 years of the Bush administration and it still exists. Now we are told that for budgetary reasons, in order to streamline the Government, downsize the Government, save money, meet the requirements of this artificially created emergency, the emergency is the need to have a balanced budget by the year 2002, that emergency is an artificial one created primarily to have an excuse, rationale, rationalization for eliminating social programs.

The safety net programs are going to be eliminated and we are going to do that under the rubric of having to do it in order to balance the budget. And the Department of Education now falls into that category. It is one of those programs that has been labeled expendable. We have labeled the whole Department, the whole function as being expendable. We can eliminate it.

I think this is another example of what I have called before a barbaric act. It is a barbaric act. It is like sacking a segment of our civilization. It is like Attila the Hun with torches going through a civilized city and destroying everything that he does not understand or does not want to exist because he has the power to do it. Because the majority of Republicans have the power to do it, they are going to move through the budget to wipe out a department which exists as a result of a long series of discussions and debates.

In 2 years, we are going to wipe out what took 20 years; it took 20 years to finally get to this point. In a 2-year period, while they are in the majority, the Republicans in the House are proposing to just wipe out this Department of Education in an era and a time when education is recognized as being critical to our competitiveness in the global marketplace. No other nation in the world would dare contemplate eliminating its Department of Education or its governmental, Federal Government function of education.

Japan would never contemplate that. Germany would never contemplate that. Great Britain, France, they would consider us to be quite foolish indeed, and they would consider it quite a serious matter to watch the

United States Congress wiping out the Department of Education at a time like this. A Department of Education which is already the weakest, the most feeble Federal department among the industrialized nations. It does not command a great segment of the Federal budget already. It is one of the smallest department in the Federal Government.

When you take away the large amount of the budget that goes toward higher education loans, then it is a very tiny department in budgetary terms. It is the department that has suffered the greatest number of cuts in personnel over the last 10, 12 years. It has always been kept on a very tight leash and not been able to perform properly. Now we are going to eliminate it, wipe it out altogether.

It is a barbaric act. It is an act committed by people who do not feel that the Federal Government should be involved in providing education guidance and coordination for the whole Nation. There are some people who feel that the primary and maybe only role of the Federal Government is defense and everything else is not the proper role for the Federal Government. That is nonsense. That has nothing to do with the oath that we take when we are sworn in to Congress.

The Constitution of the United States starts with the Preamble. It talks about promoting the general welfare; promoting the general welfare is as important as defense. How do you define defense? It really does not talk so much about defense as security. The security of the country is of great concern and should be a priority concern of the Nation. But how do we define security in 1995?

Does security mean military preparedness only? That all we need is a powerful Army, Navy, Air Force, Marines, et cetera? All we need is fantastic superweapons? Is that going to guarantee the security of the United States in the world to come, the year 2000 and the next century? Is that the definition of what we need for security? Or is it more complicated than that?

In addition to military strength, do we need also to be strong in terms of our brainpower? Is brainpower probably the most important element of security? It is brainpower that produced these fantastic modern weapons. It is brainpower that allowed us to outwit our foes in World War Ii on every front. Brainpower cracked the Japanese code and brainpower cracked the German code, in addition to the creation of weapons to counteract the tremendous superweapons that were developed by the German military machine.

In the final analysis, we cannot predict the nature of warfare in terms of strictly violent and military terms in the future. Whatever they are, we know they are going to be different, and whatever weapons are going to be required will be developed by people who have a tremendous amount of brainpower. Brainpower does not mean individuals. It means teams of people; it means a whole culture, a culture of people who understand how to apply science and technology where they want to apply it.

It may be that there will not be any hot wars in the future, no violent wars of any significance challenging the security of the United States. It is very likely that we will not have any violent wars which are a threat to the security of the United States in the next 100 years, very likely. What we do know, as a fact, is that the challenge to the security of the United States is there already and will increase in terms of the challenge to our economy, whether we can hold our own in the world in terms of economic competition as an industrialized nation, which depends on exports and high technology in order to keep its high standard of living. Will we be able to compete with our good friends the Germans and the Japanese and the British and the French? We will not be able to compete if we throw overboard any Federal involvement in education.

It is a barbaric act. It is a dangerous act. It is an act contrary to the Constitution that we have sworn to uphold. We are not promoting the general welfare. We are not helping this country at all when we do such reckless and barbaric things as destroy the Department of Education.

I think it is important to talk in some detail about what is in this Department of Education and what we are about to throw overboard. What Attila the Hun, the spirit of Attila the Hun that rides through the budget proposals, what that spirit is ready to burn down, what they are ready to destroy with the scorched earth policy and the blitzkrieg that is sweeping over the Washington scene in terms of what is not considered to be good for the American people and what is considered good.

I hope that, I know that most Republicans and Democrats are responding and aware of the same public opinion polls. I know both Republicans and Democrats are aware of the same focus groups and what the focus groups are showing. The American people, again, in the public opinion polls that we get and in the focus groups, they are again showing that they are collectively far wiser than the people in Washington. They are collectively far wiser than the leadership of both parties. Whereas I am accusing the Republicans of behaving in a barbaric way toward education, the Democrats, on the other hand, have certainly not made a forceful statement in support of education.

We have done some great things with education in the past year. The first year, the first 2 years of the Clinton administration, President Clinton moved in a continuum from the work that had been done by President Bush. It was a good example, although there were disagreements and things that were not supported by the new administration, they took much of the Bush program on education as reflected in America 2000. President Bush had had a conference of Governors, and President Clinton was one of the Governors who was in attendance at that conference that was held in Virginia where they came up with the six goals for American education. All that was endorsed by President Clinton. All of that was taken forward by the Clinton administration from the Bush administration.

So you had a kind of continuum, even though there were disagreements from Reagan to Bush to Clinton. Now all that is going to be thrown aside, all that agreement means nothing.

In the rescissions that the Republicans have made on education already, the rescission bill that was passed in the House which cut $17.4 billion—I am not sure whether it was point 4 or point 5—more than $17 billion was cut out of this year's budget. In those rescissions, education was a primary target.

The first target, of course, the most devastating cuts were aimed at the Department of Housing and Urban Development. Low-income housing, low-income housing, we have not solved the problem of homelessness. We have not solved the problem of providing decent low-income housing for poor people. Nevertheless in that rescission package more than 7 billion of the 17 billion was taken away from low-income housing, programs in the Department of Housing and Urban Development.

The second biggest budget hit, the cuts were at the Department of Education. Almost $2 billion was taken out of the Department of Education. So it was a preview of coming attractions. What we are hearing now and seeing now developing in the budget that is going to be prepared for a whole year, the budget year 1996, is reflective of what was started, of course, in the rescission budget.

I wanted to just read from a very well-written letter by Secretary Riley. I will not read the whole letter, but I would like to enter it into the RECORD.

I will enter into the RECORD a letter by Secretary Riley regarding the proposed rescissions to investments in education. On February 23, 1995, Mr. Riley sent this letter out. I just think it summarizes what we are up against here. I would like the American people to follow along carefully.

As I said before, what the polls and the focus groups have shown is that the American people are wiser than the leadership here. They have indicated education is one of their highest priorities. Education, in terms of the American public at this point in history wanting to see Federal support, education is still one of those high priorities. They do not want to see the budget cuts that are being proposed by the Republicans. The Republican majority knows this as well as I do.

The fact that they have gone ahead and they are proceeding to do it means that they have contempt for the wisdom of the American people. They

think you can put a spin, you can interpret the will of the people in a way which confuses them and you can get away with it.

□ 1945

I think they are wrong. I think there is a basic, deep-seated fundamental desire of the American people to see that as much opportunity is provided as possible in the area of education for as many people as possible. I think that the middle class, which the majority always pretends to be concerned with, the middle class is hardest hit when you make cuts in education.

We are talking specifically, these days, about the proposed Republican cuts with respect to student loans, the fact that they want to take away the Federal subsidy for the loans so that the interest that the loans accumulate during the time that students are at school is not paid anymore by the Federal Government, but attached onto the bill that the student has to pay when they come out, which means that the education of each student goes up a great deal, because 4 years of interest will be added to that bill. That is being discussed a great deal, and there is a great reaction from the middle class as to having them bear an unnecessary burden that they do not really—should not have to bear.

The public knows that education ought to be a higher priority. My plea is that the public will become more vocal, and that the public, the students, the parents, the middle class out there will talk more and contact their Congressmen or take delegations, and let it be known that you are wiser than the people you have elected, and you do not want the nonsense of the destruction of education as a priority in the coming budget, you will not tolerate it.

Let them know now, before they do a great deal of harm. Before Attila the Hun and the spirit of destruction rides across the Department of Education, let us intervene. Let the public come forward.

Listen to the words of Secretary Reilly, and I quote:

I am deeply concerned about the severe and shortsighted cuts imposed by the House Appropriations Subcommittee on Labor, HHS, and Education yesterday. The magnitude of these kinds of cuts, at precisely the time that our Nation needs to invest in our future, represents a grave misunderstanding of the direction Americans want for their children and grandchildren. Coming on the heels of the attack on the school lunch program, these actions break faith with America's children.

At a time when every poll shows that crime and school safety are a number one concern of Americans, the committee's actions to eliminate funding for programs for safety and drug prevention programs in schools represent a rejection of what the American public wants. Polls also show that an overwhelming majority of citizens favor increased investment in quality education. The committee's actions to slash bipartisan initiatives to support States and local communities in their work to raise academic standards and improve their local schools is a dismissal of the public interest.

I am continuing to read from the letter of Secretary Reilly on February 23, 1995.

And the sharp reduction in funding for education technology programs will enable fewer local communities to put state-of-the-art tools of learning in classrooms where they are most needed to prepare our students for the future. This certainly cannot be what the Speaker of the House had in mind when he said ''We must bring technology into the classroom, and radically rethink our education system.''

Continuing with Secretary Reilly's letter:

The Republican administration changed the name of the former House Committee on Education and Labor and added the word ''opportunity,'' but the measure of the Congress's commitment to students must be evaluated not by titles, but by actions. Yesterday's actions mean less opportunity for America's students.

The Secretary goes on to list each one of the programs that are being cut by the rescission bill, and those programs, the details become important for the American people. I said before that Goals 2000, Goals 2000 was legislation we passed with the support of Republican Members of the Committee on Education and Labor and of the Congress. It passed overwhelmingly. It got more than 300 votes. Nevertheless, Goals 2000 is now being threatened, not only by the rescission cuts that are being discussed in this letter of Secretary Reilly, but in the new budget they will try to wipe out Goals 2000 completely, and I am told that the committee that I serve on, the Committee on Economic and Educational Opportunities, a bill is being prepared there to repeal Goals 2000.

Remember what I said before: Goals 2000 was a result that flowed from America 2000, which was President Bush's education program, and America 2000 flowed from President Roosevelt's report called ''A Nation at Risk,'' so a continuum of three Presidents, a continuum of 12, 14 years went into the preparation of Goals 2000.

Now Secretary Reilly states that:

With respect to Goals 2000, a 38 percent reduction in funds for State and local educational improvement would severely curtail the efforts nationwide to develop and implement comprehensive strategies for systematic educational reform. An estimated 4,000 fewer schools would receive the seed money they need to implement reforms based on challenging academic standards. Moreover, the rescission would eliminate all funds for Goals 2000 national programs. This action would end targeted support for educational reform activities in poor communities. Thus it would deprive the Federal Government of the means for evaluating the impact of educational reforms on student achievement, and it would end other national leadership and technical assistance activities.

Let me just talk for a minute about what Goals 2000 does. In simple terms, the heart of Goals 2000 is three sets of standards it establishes. It establishes curriculum standards, a process for developing curriculum standards. Before I go any further, let me just stress that the curriculum standards that are to be established under Goals 2000 are voluntary standards. It is only a model, only examples of how, in each one of the six major areas that are laid out in the six education goals, mathematics, science, history, geography, in all of those areas the standards would be established so that with the collective participation of scholars and teachers and students across the country, you would come up with an idea, a model of some of the things that ought to be taught in that area in order for us to better relate to the world of 1995 and the world of the year 2000.

What is it in this new global economy, what is it in this new global world that we need to know? When I was a kid my mother used to have us reciting the capitals of all the States. That was cute. I learned the capitals of the States. Any knowledge may be useful, but I suspect in this time and age, it will be far better if you teach your kids how to use the encyclopedia and the library and various books to learn the capitals of the States and the capitals of all the countries in the United Nations, and what they do in these various countries for a living, the economics of it, the trade patterns.

If you want to export business in the future, how far is it from South Africa to Washington, or how far is it from China to New York? What is the cost of producing products and then paying for the transportation?

There are a number of things that are known, that need to be known in the year 2000 by our youngsters, or this year, in order for them to survive and understand a world that is far different from the old world that would be covered by a collective set of scholars, teachers, and students trying to prepare those standards. That is one important thing that Goals 2000 is seeking to do, to develop standards so that everybody across the country will get some idea of what is important to be taught in history, what is important to be taught in geography, what things are most important to teach in mathematics.

The world has an exploding amount of information, information that is increasing geometrically. There is twice as much information available this year as was available last year. With all that information about so many different things, what do you single out to teach the children in the schools? Do you put a great stress on learning facts—and those facts are exploding, more and more of them all the time—or do you put a greater stress on learning skills and principles, so they will know how to approach getting the information they want? Computers, the use of libraries, the use of cable television, and a number of new kinds of instruments that can be utilized for education, where do they come into this whole process? So that is one of

the achievements of Goals 2000. That is one of the goals of Goals 2000, objectives of Goals 2000, was to establish these standards.

The second objective was to establish a set of assessments, tests and other means of assessing what do the students know, a national set of standards and assessments, voluntary, again, strictly voluntary. If your school board did not want to get involved, would not want to use them, they would not have to do it. Any State did not have to do it if they did not want to, but they would have available to them a set of assessments, tests based on the standards that have been developed, so from one State to another, among those States and school systems that choose to participate, you could compare relatively how are they doing in this curriculum that has been developed to meet the needs of the modern world; all of it, again, voluntary.

Those are two of the simple goals and objectives of Goals 2000 that they are preparing to wipe out now. One is to develop standards for curriculum, the other, to develop assessment standards, standards for tests and assessments that are going to be made of those standard curricula.

The third ingredient was the most controversial one, because there are many of us who felt if you have a set of national standards for curricula, if you have a set of national assessments for curricula, you also should have a requirement that there be some understanding that there are standards in opportunities to learn; that is, what do you do, what should schools be doing, what should they have available in terms of resources, equipment, books, in order to guarantee that the youngsters, the students, have an opportunity to learn the standard curriculum?

When they learn the standard curriculum and they are going to be tested on the standard curriculum, is it fair to have a national test when you do not have some standards as to what is it that you ought to have available in order for youngsters to learn what is necessary to pass these tests? Should there not be standards which say that if you are going to teach science, you have to have a certain amount of scientific equipment: you have to have laboratories and equipment? You cannot have youngsters competing on tests which are national tests, and some have never stepped inside of a science laboratory. If they go to a science laboratory, there is no equipment in the laboratory.

You cannot have youngsters competing on tests if their library books are as old as some of the library books in my district in New York City. Some of the books go back to 1925 and 1930. They are useless. You cannot have encyclopedias which do not have the countries that have become independent in the last 10 years. You cannot teach geography from those kinds of tools.

The third simple ingredient of Goals 2000 was opportunity to learn standards. That upset more people than any other part of it, because Governors complained that this may mean that ''Somebody is going to judge us and say we are inadequate because we are not providing laboratories, we are not providing enough books. We do not want to have a situation where we will have to spend some money in order to meet these standards.''

We stressed in every way possible, again, that the standards are voluntary. Nobody is required to do anything unless they want to in all three of these sets of standards: curriculum standards, assessment standards, or opportunity to learn standards. With all of that guarantee and reassurance that it is all voluntary, the Goals 2000 has been attacked by certain very vocal Members of the Republican majority as being what it is not, a mandatory set of standards, imposing curriculum standards on school boards across the country. Some people have called it the National Board of Education, which is a deliberate distortion of its purpose and its mission.

All of this, all of this has led to a frenzy which results in an attempt that is being mounted now to repeal Goals 2000. If you do not repeal it by discussing the authorization, it can be wiped out by just taking the money out of the budget. You eliminate the funding in the budget for Goals 2000. That is one thing that the Secretary objected to.

Another item that he objected to was school-to-work opportunities, $25 million cut, $12.5 million each from the Department of Education and the Department of Labor. School-to-work opportunities was divided between the Department of Labor and the Department of Education. $12.5 million went to the Department of Education, and $12.5 million went to the Department of Labor.

What would it do? It would do what numerous educators, community leaders, and Congressmen have been calling for all the time, make school more relevant to youngsters who are not going to go to college, make school more relevant for those who will have to make the transition from high school into work. The industries, the private sector has complained about the fact that the graduates they get have to be trained. The graduates do not fit in. This was an attempt to meet a requirement and a complaint that industry has had for a long time.

□ 2000

It is a small program. A $25 million cut is a cut of a program which to begin with was very small. Of course this is one of those they are proposing now to eliminate directly. The biggest program in the Department of Education which the Secretary also talks about is the Elementary and Secondary Education Title I. Title I has existed for 30 years now.

Title I was the primary thrust of the Lyndon Johnson Great Society entry into education in the public school sector. We moved from assistance to higher education to a program to assist elementary and secondary education under President Johnson, and Title I was the basic thrust, the Elementary and Secondary Education Act, which goes to schools on the basis of the poverty population of the school. The number of poor children in a particular school decides the amount of funds that that school will get.

In the deliberations about Title I of the Elementary and Secondary Education Act last year, both sides, Republicans and Democrats, supported the refunding, the reauthorization of title I. Both sides fought for every penny they could get for their States. We finally had a $7 billion program which flows to every school district almost in the country.

There are some school districts that are wealthy and should not be getting money but they have been getting funding through various loopholes that were established, and we tried to eliminate that in the last legislation. So there will be fewer schools that are not deserving getting the money, but the targeting to its original purpose, to help schools with the largest number of poor students, that targeting is still left for a program of almost $7 billion.

That was cut, also, in the rescission which is a preview of coming attractions. If the rescission bill cut it, we are afraid there will be more cuts in the budget that is being prepared now for the fiscal year 1996.

The Eisenhower Professional Development Grants: Everybody agreed that one of the best things the Federal Government could do was provide training, ways in which teachers could get more training. In the local education budgets and State education budgets, they are hard pressed to keep enough money in there just for operations, to keep things going from day to day. So the training money, the equipment money, a lot of other things that are needed, they felt should come from the Federal Government, and there was great agreement that the emphasis would be placed on training and the Federal Government would support training. Now we have cut the Eisenhower Professional Development Grants.

Safe and drug-free schools: Safe schools, an initiative that we also agreed upon by the Republicans and Democrats, overwhelmingly voted on on the floor, more than 300 people voted for it last year, now that is being wiped out completely.

The original rescission bill of the Republican Majority was to zero out the whole program, about $600 million. Zero it out completely. Then they put back, I think, $10 million on the floor as a result of some sentimental appeal for one little program called DARE. But basically the safe and drug-free schools and communities programs would be wiped out if the rescission bill

that was passed by the Majority Republicans here in the House were to become law.

Of course we know on all these matters, the deliberations are now moving into a conference committee between the Senate and the House. The Senate does not take the same approach on many of these items that the House has taken.

But the Secretary of Education was trying to point out some of the serious harm caused by these cuts. Education for homeless children and youth, a special program that was put in there in response to local education departments with a large amount of homeless children, that program was wiped out completely, zero. Bilingual education was cut drastically. Vocational education, adult education, State and post-secondary review program, the State student incentive grants, the TRIO programs were cut.

TRIO is one of the most successful programs ever developed by the Government. $11.2 million was reduced from that program, which provides for college preparation for youngsters in poor communities through its Upward Bound programs and its talent search programs on college campuses. They provide for special counseling.

There are a number of things that they have been doing which have been highly successful, and both Republicans and Democrats in the Congress have come to the point where they support these programs. TRIO has gotten increased funding over the years as a result of the approval of both parties. Now suddenly the barbarians are arriving, and TRIO is under the axe also and they have to be cut. The Secretary calls that to our attention.

International education exchange programs. Telecommunications demonstration for mathematics. Telecommunications used for education is one of the high priority items that ought to be on everybody's agenda. You might be able to greatly bring down the cost of education by using distance learning, by using more educational television, more cable television, and projecting the instruction over the airwaves for students to pick up in their own homes. You could greatly reduce the cost of education at the higher education level, you could greatly reduce the cost certainly at the high school level, and you could probably provide a much better quality of education at the same time.

What we discovered in a survey that was done of junior high schools in New York City 2 years ago was that in the junior high schools of two-thirds of the city, two-thirds which serve primarily Hispanic and African-American students, in those two-thirds of the junior high schools none of the teachers who were teaching math and science had majored in math and science in college. None of the teachers who were teaching math and science had majored in it. They could not get qualified math and science teachers which meant that those youngsters in junior high school were certainly greatly handicapped.

If you had that kind of shortage of teachers and you had a well-developed hookup for distance learning, you could have top-quality teachers teaching via videos and via cable television and broadcast educational television, and they could make up for the deficit that you have in terms of qualified teachers. They could do it better, they could do it cheaper.

So telecommunications and education technology were high priorities. We did not appropriate very much money to begin with because they are new, but we did have them in the budget, and we did emphasize in the reauthorization legislation for education that these are very important frontiers. This is the way American education should be going.

Star schools was one of those programs where we provided money for telecommunications in situations where rural schools were spread out and students not able to get to quality schools. You could provide top-flight instruction and, using various television hookups, beam it into those various schools and into the homes of those students, and the Star schools made up for what you could not have been able to acquire even if you spent millions of dollars on the new transportation system.

So what you have is everything that is going to take us into the next century, the 21st century, everything that moves us in a more progressive way toward the year 2000 in education is being cut. The national diffusion network, ready to learn television, educational television, as I just said before.

Then, finally, library construction, library research and demonstrations, everything related to libraries is cut, even though it is only a tiny amount in the budget to begin with. We only have tiny amounts of money in our budget. We have never supported libraries at the Federal Government level in any significant way.

If you add up all the money that has been appropriated in terms of Federal aid to libraries over the history of the Federal Government's aid to libraries, it would not equal the cost of one-half of one nuclear aircraft carrier. It would not equal the cost of one-half of one nuclear aircraft carrier, which costs about $3 billion. If you added up everything that we have ever done for libraries, it would not equal the cost of one-half of an aircraft carrier.

The library community was here on the Hill today. The American Library Association program is presented. They are begging to just keep what they have, the relative pennies that they receive for libraries.

Every community that considers itself a civilized community in America has a library. A library is probably the cheapest form of education. The best value you get for your money comes through public libraries. You get the most education made possible, you get the best resources made possible to the community for the cheapest amount of money. Not to fund libraries and not to support libraries even in a small way is another barbaric act. It is barbarism to not want to fund libraries.

We have said a lot about going into the 21st century and updating our technology for education. We talk a lot about the information superhighway, and we make statements about wanting to make the information superhighway available to all Americans. We do not make it available to all Americans unless we find ways to let the access it.

Most American homes do not have any computers. Most American homes can never get on the Internet if they have to use their own equipment. One way to guarantee that Americans have access is to have public places where you can make use of the best of modern information technology, and one of those public places should be the public library.

In addition to our schools, which need more equipment and should be funded with the help of the Federal Government to acquire that equipment, our libraries are an access point for everybody. You do not have to be a student enrolled in a school. All you have to be is a member of the public, and if you made the technology available to public libraries, it would guarantee that poverty is not a barrier to being able to enter the information age. Poverty is not a barrier to being able to learn what is necessary to be able to qualify for various employment opportunities that are dependent on some knowledge of how to use modern technology to access information.

So the American Library Association is proposing that we support what they call the Library Services. and Technology Act to supplement the Library Services and Construction Act. When you put all the library programs that they are proposing to fund together, they are talking about spending $1 per person to support these various programs, $1 per person in America. When you have more than 225 million Americans, it would be a very small amount of money to spend for education via libraries, and libraries are available to every citizen.

They are asking that Congress pass the Library Services and Technology Act quickly because it is proposed to consolidate, simplify and update all the other components of the Library Services and Construction Act. It will reduce eight titles to two priorities for libraries. Those two priorities are information access through technology and information empowerment through special services. It would increase the flexibility and accountability in the program. It would emphasize libraries as change agents. Libraries would be enhanced as change agents and self-help institutions through these kinds of Federal-State partnerships.

We have examples in my hometown of Brooklyn of libraries that are being

overwhelmed by the number of young people who want to come in. In poor communities where they stayed away from the library in the past, one or two computers established in the library has resulted in long waiting list of youngsters who flood into the place every day and they want to make use of the computers.

It is a whole new ball game in terms of libraries being overwhelmed by students voluntarily coming after school and wanting to be a part of what is going on. It is the computers and the new technology that attracts them. They would never be able to get it anywhere else and, therefore, it is an area where we certainly could guarantee that everybody is a part of the new information age, everybody has access to the information superhighway.

There is one representative of the library community on Vice President GORE's committee to advise on the information superhighway and we hope that they are listened to. We hope that there is more than just rhetoric in terms of including libraries in the process of developing this information superhighway and Federal support for the information superhighway.

What we get from Brooklyn, my own hometown, is a statement from the libraries that none of them are wired sufficiently to really receive updated state of the art technology. They do not have the wiring. In most of the big cities of America, the institutions like schools and libraries do not have the wiring necessary to be hooked up properly. They need a great amount of money to pay for the installation of new wiring, or they need some legislation from the Federal level, because only the Federal Government can do it, which requires telecommunications companies to wire schools, to wire libraries and educational institutions at a discount or maybe for free, as part of their contribution for the benefits they are receiving from the overall participation in the Federal Government's information superhighway activities.

□ 2015

Something has to be done to give priority to the general public and to provide an opportunity for the general public. One of the concrete steps that can be taken is to deal with the problem that most libraries in most schools in the big cities, it is not the same as the suburbs and the rural communities, they have problems too, rural communities and big cities, it is easier to do it, to wire the rural communities, less costly to wire a school. In the big cities to wire the library is very, very costly.

The support began for libraries in the local communities at a time when New York City was undergoing a great budget crisis. The citizens made clear that they did not want their library services cut. In fact, library service was cut drastically, and whereas libraries had been opened 6 days a week, they were down to 4, and the citizens rose up and said, no matter what the costs are, how dire our financial situation is, we do not see great amounts of money being required to keep libraries open. And in the last political campaign for mayor, both candidates made pledges that libraries would remain a priority. That is the same case throughout the Nation. Most citizens feel that they are due decent public libraries. It may be more complicated to get first-class schools and get the funding necessary, but it is a fairly simple matter to provide enough support to help provide decent libraries and have the Federal Government continue to participate in this process.

I hope that the coming budget debate will be conducted with the majority party as well as the minority party having its ears to the public. I hope we listen to the public. I hope we check the polls and we follow the polls in many, many ways, and we follow the focus groups in many, many ways. Let us not try to put a spin on and ignore and distort the information that comes from the public. The American public clearly wants support for education programs. The American public does not want to see the Department of Education eliminated. The American public does not want that kind of barbaric act to be taken in the name of streamlining government.

There is a majority out there that is going to have to be reckoned with, and that majority, whatever questions we may have about it, one thing is clear, they think education is the key to their own individual family's future, and they think education is the key to the future of the Nation. They do not accept the argument that defense is only a military matter, that security is only a military matter. Security they understand is partially a matter of being prepared with the kind of educated population that you need to have and brain power becomes a major part of it. They do not think the Federal Government should only be concerned about security. They think promoting the general welfare as stated in the Constitution is as much a part of the duty and responsibilities of the Federal Government as any other duty and responsibility.

So let us promote the general welfare in 1995 terms. Let us go into the 21st century promoting the general welfare in the most up-to-date, state-of-the-art manner that it can be promoted. That is to provide for a first-class educational effort.

We have spent a tremendous amount of money and resources to update our defenses, our Department of Defense and our military installations. We would never have dreamed 30 years ago or 50 years ago following the end of World War II that we would ever be investing billions and billions of dollars in certain kinds of weapons systems, but we saw it as necessary. Modern technology demanded that we spend more money on very complicated weapons systems. Now the modern challenge is we spend more money on education. Instead of cutting education, we should be doubling the budget for education. Instead of cutting education, we should be looking at new ways to make certain that our whole environment is saturated with funds for learning. Instead of cutting the budget for education, we should be making it the No. 1 priority.

The American people have already stated that they consider it one of our top priorities. Anyone who fails to listen to that will have to reckon with the American people.

I hope that the caring majority out there, the people out there who are the majority and want to see education as a priority, will have their voices heard, and let it be soon. I hope they will become very visible. I hope they will make it clear to every decisionmaker here in Washington, both in the Congress and the executive branch, that education is a priority of the American people. We would like to see our representatives represent the people and not their own agenda, not their own distorted agenda.

CALL FOR AN INVESTIGATION INTO ACTIVITIES OF THE ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 4, 1995, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 60 minutes as the minority leader's designee.

WEATHER TRAGEDY IN LOUISIANA

Mr. TAUZIN. Mr. Speaker, before I begin tonight, I want to call to the Nation's attention the fact that there are quite a few folks in my home State of Louisiana who are indeed suffering tonight. Yesterday and up until about 1 o'clock this morning we were deluged with about 18 inches of rain in the New Orleans area. That is 18 inches in 1 day for those of you who live in States that may only get as much as 4 inches a year. I see my friend from out West in the audience.

The 18 inches of rainfall has inundated communities all over my district and the districts adjacent to mine, that of BILL JEFFERSON and BOB LIVINGSTON and others out West, and we have situations ongoing right now of tragedy, tornadoes and homes destroyed. People have drowned in their cars as they were trying to get to and from their work and residences.

I just spoke to my mother in Chackbay, and God bless her, she is an awfully wonderful and devout woman, and I think her prayers saved her. I understand a tornado just hopped over our house and just missed her, and I wanted to say a word of thanks to the Good Lord for sparing her and others tonight, and a word of comfort and consolation for families who have losses and who are grieved in this awful flood that is unfortunately still unfolding in many communities in south

Louisiana. To all of you who are suffering, please know that my office and other offices up here are working in coordination with the Governor's office in Louisiana to see as rapidly as possible that we get every bit of Federal assistance we can to families who are in need, and that we get a disaster declaration as rapidly as we can in place to help you and your families.

In the meantime, we are all in the Good Lord's care tonight, and we hope and pray your grief and losses are kept to a minimum.

Mr. Speaker, I yield to my good friend from California.

Mr. BILBRAY. I appreciate the gentleman yielding. I would like to echo the concerns about the disaster in Louisiana. As my wife, who is from New Orleans, would point out, it is an always ongoing threat for everyone who lives in different parts of the country, one that the people in Louisiana face, and the threat that you do have those rains. She always sort of scoffs at Californians, and what we call rain she calls a drizzle, and sadly those conditions have turned more severe than normal in Louisiana.

I would like to say for those of us in California who understand tragedy from nature, we appreciate that it comes in different forms, and we are sorry you have to confront a different form at this time.

Mr. TAUZIN. I thank the gentleman for his comments and concerns, and indeed those of you who live in California understand tragedy and natural disaster, and I appreciate the gentleman's comments tonight.

Mr. Speaker, I do this special order tonight not out of a great pleasure, but actually with some real degree of regret and sorrow that it has to be done. Today, at a press conference here in Washington, I announced a call for an investigation into activities of the Environmental Protection Agency in region 6, Dallas, activities which clearly violated the rights of a citizen in my district and his family, activities which may have, in fact, violated Federal criminal statutes, certainly violated the civil rights of that citizen, and are going to result almost certainly in a lawsuit by the citizen against his own Government, and in my opinion should result in a dismissal of the Federal employee responsible for what has occurred.

The case involves a case that I cited on this House floor when we debated the property-rights bill that was passed by this House and sent onto the Senate and now awaits action by that body. When we debated that property-rights bill in the context of one of the amendments offered to gut the bill, I told the story, a true story, of two families in my district who were embroiled in a bitter lawsuit, one against the other, and who were also embroiled in an awful conflict with the EPA and the Corps of Engineers in New Orleans in a wetlands dispute. Now there are many allegations flying back and forth in that lawsuit. But the facts as we know them are these:

The facts are that in 1990 one of the families, the Gautreau family, decided to build a pond on their property in Ascension Parish in my district. In desiring to build this farm pond, they contacted the LSU Agricultural extension personnel who came out and examined the site with them. In that initial examination of the site, those LSU officials suggested to the Gautreaus that they should contact the Corps of Engineers to make sure that they did not need a permit for the construction of the pond.

As a matter of fact, one of the Gautreau brothers, Jeff, did call the Corps of Engineers the next day. Approximately on or about September 1990, I think it was around September 10, he contacted the Corps of Engineers, and according to Mr. Jeff Gautreau, the Corps of Engineers representative, the then Dr. Tom Davidson, told them that if he was going to build a livestock pond on his farm that he really did not need a permit, all he needed to do was send a letter describing what he intended to do and including a sketch of the site, and that his activity would be exempt under the wetlands laws as they then understood them in 1990 and as they applied them from the Corps of Engineers office in New Orleans.

According to Jeff Gautreau, in the chronology of events that he supplied to me, Dr. Davidson told him to do whatever he wanted with the dirt, and the Corps had no jurisdiction over than. In fact, the Corps did send, at the request of Mr. Gautreau, who wrote him a letter the next day, a letter indicating that the pond construction was exempt, and that he could proceed without a Corps of Engineers wetlands permit. No mention was made in that letter that he was in any way restricted as to what to do with that dirt.

Mr. Gautreau proceeded to dig that pond. He proceeded to spread the dirt on his property, and later on constructed a home on that same property.

In 1993 all hell broke loose. In 1993 Mr. Gautreau was interested in selling that home and that property. In the context of selling it, he decided to shape the pond a bit more, and also spread a little more dirt to fill in any little holes in the lawn of the property where the house was. So he began that work, only to be met with a cease-and-desist order from the Corps of Engineers. In the context of those days and that event, Mr. Gautreau ended up selling that home. In those same months, the Corps of Engineers, by a written letter to him in the cease-and-desist order, indicate he could make everything right by simply applying for an after-the-fact permit, which if the Corps granted it would make everything right. He, in fact, applied for an after-the-fact permit. In that letter from the Corps, Mr. Gautreau was told that while the Corps could take action against him, they had decided that there was no willful violation, and that he should proceed either to restore the site or apply for an after-the-fact permit. Mr. Gautreau applied for that after-the-fact permit. It was never granted. Today, they are in an awful wetlands dispute.

☐ 2030

Today as we meet here in this Chamber tonight, Mr. Gautreau and his purchaser, Mr. Chaconas, are in an awful lawsuit over rescission of that sale. The agents who handled the sale are part of the lawsuit. The insurance companies for the real estate agents are part of the lawsuit. Both parties are currently listed as co-violators of the wetland laws of the United States of America, and the Corps of Engineers and the EPA are still considering an enforcement action that could require the Gautreaus or the Chaconases, whoever owns the land, to take down that home, to destroy it.

In fact, a lane leading to that property and to another property across the street is also built on that property, and while no decision has yet been made, an enforcement option still available to the EPA and the Corps is removal of that lane.

I told the House that day in the debate how in conversations with representatives of the Corps and the EPA, when the parties asked how they might get to their home if the lane were removed, someone said, ''Take a helicopter.'' I pointed out the arrogance of the State agency that would do that sort of thing.

During our break, when we went away to do our hometown meetings, to take a break from the 100-day session, my office began to be contacted by scores of agencies wanting to do a news story on this awful piece of wetlands drama going on in my State. As we began to check into what the news people were interested in, it became clear the focus of the news story was to make a case that we had not told the truth about that story on the House floor in the middle of that debate.

One of the news agencies, NBC, contacted us and asked for an interview. I gave them the interview. I was still in town. In the course of the interview, it became clear what was going on.

There was an attempt to say, ''Did you really tell the story the way it really happened? Mr. Chaconas does not believe you told the story right.''

I asked the NBC interviewer if he had bothered to talk to the other family, the Gautreaus. He had not at that point. I suggested to him he ought to do that. This was a lawsuit between two parties. They each had different versions of the facts. He ought to at least talk to the other side. He did. He called the attorney for the Gautreaus, and in an hour conversation with the Gautreaus' lawyer, a new fact emerged. NBC was in possession of a document, possession of a document that represented itself to be an enforcement

memo from the EPA in Region 6, Dallas, which in fact discussed what they considered to be the willful, criminal violations of the Gautreaus violating the laws of the United States in a criminal way.

NBC was in possession of this confidential memo that was not available to the Gautreau family despite the fact that Mr. Gautreau and his lawyers had filed a Freedom of Information request upon the agency for all documents that should be available to them.

Where did NBC get this document? The Gautreaus' lawyers asked for a copy of it. NBC was kind enough to fax it to the Gautreaus' lawyers. And when it arrived and when it was examined, the little muddy footprint led right back to the scene of the crime. The little muddy footprints in this case are the fax numbers, the fax transmittal numbers that appear on the top of the transmittals.

Next to me is a copy of the NBC facsimile transmission sheet sending this document to the Gautreaus' attorney. The document is next, the transmission fax numbers are right on the header of the document. Those transmission fax numbers tell the story.

This document, pertaining to highly sensitive considerations by the EPA that the work was performed willfully, flagrantly, and justifiably should be treated as a crime, that confidential memo had been faxed by the EPA Region 6, to the Defense Fund of the Sierra Club in New Orleans upon their request. A document denied the Gautreaus had been sent to a lobby organization, a document referring to potential criminal activity on the part of an American family, and the Sierra Club, shame on them, transmitted this confidential data, implying criminal activity on the part of an American to NBC, and heaven knows who else.

This transmittal of this confidential memo by the EPA, denied the parties under the Freedom of Information Act, may constitute a criminal violation of the National Privacy Act. The National Privacy Act, in part, provides that no record contained by an agency that refers to a particular individual and an enforcement action can be shared with anyone without the written consent of the person it talks about, and any agent/employee of the Federal Government who willfully does, in fact, send a document out to individuals other than the person it talks about without their written consent is guilty of a Federal criminal violation and subject to criminal penalties under the statutes.

Certainly, the rights of the Gautreaus have been awfully violated here. They intend to file a lawsuit now against the Federal Government, the EPA, for the damage they have done their reputation, the damage it may have done their lawsuit, the damage it may do to them eventually if, in fact, they are ordered to tear down a house they may be ordered to repurchase from the Chaconases in a lawsuit.

This illegal transmission also contains the following language: ''Restoration should include removal of the House and fill. How to handle removal of the house, restoration work, while Chaconas still owns the property is under debate.'' In short, it tells the story of EPA, Region 6, contemplating enforcement action to order the destruction of that house, but obviously reluctant to do so as long as the Chaconases own it.

The next sentence, at the bottom, says the Chaconas' suit against the Gautreaus is scheduled for April 5, 1995. In fact, that suit has been continued until June.

This little muddy footprint facsimile transmission is, in fact, evidence that officials within the EPA are working hand in glove with environmental lobby groups in Washington, in an obvious attempt to influence the debate on the property rights, the Clean Water bill which comes up just tomorrow in this House, and those environmental organizations are working hand in glove with friends of theirs in the media to attempt to influence this debate, and in this case sharing with them a confidential memo implying criminal guilt on a party in America that should never have been in their hands in the first place, protected under the Privacy Act that we thought protected us all in this country.

This is a transmittal from the EPA on the next day to the Sierra Club, again in New Orleans, ''Thought I'd send a copy of the Corps of Engineers' delineation. Let me know if you need anything else.'' You can see how cooperative they are.

When the parties requested a Freedom of Information from the EPA, a whole list of documents that were not shared with them is contained on the transmittal to the Gautreaus, but you can see how cooperative the EPA is with the Sierra Club in not only answering their request illegally, but in sending more documents the next day just because they thought they ought to have them.

This is part of the chronology of events that was shared with me and my office when both the Chaconases and the Gautreaus appealed to us for assistance in this matter way back last year, early in the year. In this chronology of events, you can see that Mr. Jeff Gautreau pointed out and was questioned further by Dr. Davidson, and the Corps of Engineers stated Roger could do whatever he wanted with the dirt from the pond, as the corps had no authority and could not tell him what to do with the dirt. That is what Mr. Gautreau says he was told by the Corps of Engineers when he applied for the right to build that pond and, in fact, to do what he did on his property.

What followed his written request was the following letter from the Department of the Army Corps of Engineers:

DEAR MR. GAUTREAU: This is in response to your letter of approximately, September 12, 1990, in which you indicate your intention to dig a farm pond to provide water for your livestock in Ascension Parish, Louisiana. We have reviewed your project as proposed and have determined the farm pond work is exempt from the U.S. Army Corps of Engineers' jurisdiction as authorized in 33 CFF 323.4, 83 of our regulations, dated November 13, 1986.

That is the wetlands regulations, 404 permits.

I enclose the photocopy of this regulation for your convenience. Should you have further questions regarding the matter, please contact Dr. Tom Davidson,

again at that number and that address. This letter telling the Gautreaus they were exempt and could proceed with the pond contains no restriction on the use of that dirt, and yet in 1993 the Department of the Army Corps of Engineers sends this letter to Mr. Gautreau, this letter saying—

You are in violation of the Clean Water Act. You are in violation of 404 wetlands laws. You cannot move dirt around that property. That is a wetland, and in fact you have got two choices. You may apply for an after-the-fact permit, or you can, in fact, restore the site to its existing conditions before the unauthorized work.

In the letter the corps says, ''Removal of the existing unauthorized work,'' which later came to be interpreted as not only the construction of fill around the house but also the house itself—

May be necessary if the permit is denied after we complete a public interest review of the application. You can also see in the letter that this work could have subjected you to judicial proceedings. However, after a careful review of the investigative findings and the nature of the work involved, I have decided against such action at this time.

Things change. Things changed mightily. And as this lawsuit proceeds and as the parties await the determination of the judge as to who should own the house, we continue our debate on the property rights laws of America and the wetlands reform bill that will be before us tomorrow.

Could this have been prevented? Could this have been prevented? I think so. If we only had a law on the books that said parties have a right to contest the finding by the Corps of Engineers that their property is wetlands, that the Corps of Engineers were required to inspect the site before they sent a letter saying. ''We have no problems when you are doing something on your property,'' if the Corps of Engineers would have posted publicly in some public place a notice that they think a violation has occurred so that owners might not sell their property and buyers might not buy without knowing what is going on so they can avoid lawsuits like this, and finally, if the corps does want to take somebody's property and destroy their home because they think it is a wetland, then, by golly, somebody ought to be willing to pay an American the price of his property when the Government takes it from him. That is what this fight tomorrow is going to be all about.

Now, NBC was not the only news agency that was apparently invited to

do a story on the Chaconas-Gautreau case. CNN was one of the other agencies, CNN Headline News, to be precise. Unlike NBC, they did their little story while we were away. I did not get a chance to get interviewed on that story. We were away at home.

But in that story, CNN proceeded to show this horrible wetlands case, to interview Mr. Chaconas. They did not contact the lawyers, as the Gautreaus suggested, to clear an interview with the Gautreaus. They only interviewed Mr. Chaconas. Then they proceeded to do a hit piece. Why do I call it a hit piece? Because it was just what we expected.

Before they did this piece on Headline News, hour after hour, every day all day, rather, on the day they ran the story, my office sent them all the documents I have shown you and more documents which indicated that we had responded when the Chaconases and the Gautreaus asked us for help, that we received letters of thanks from the parties thanking us, that we received letters from Mr. Chaconas supporting our efforts on property rights, that we received a copy of the letter Mr. Chaconas sent to the EPA demanding payment for taking property in violation of the fifth amendment of the Constitution.

We also sent them documents that contained information unequivocally that indicated the corps and the EPA had, as an enforcement option, as I demonstrated to you earlier, the removal of the House and the rug. Those were clearly options EPA had on its desk and, by the way, continues to potentially have on its desk.

And yet I wanted to show you this CNN piece tonight. I was not allowed to bring a monitor. I would have loved to have run the piece for you to show you what they did. In the piece, they asked the question, ''What about the congressman's claim,'' speaking of me, ''that the Federal regulators might force the Chaconases to tear the House down?'' The CNN reporter asked that, and immediately they turned to Ron Ventola, an employee of the Corps of Engineers in New Orleans, LA, who, by the way, signed that letter, who signed the letter indicating that the property, the pond, was exempt under the wetlands laws, Mr. Ron Ventola.

□ 2045

Mr. Ron Ventola appears on CNN in this piece and, he says, ''Oh, no, no one from this agency told them they would have to tear down their house or remove the road,'' leaving the clear impression that we had told a falsehood in the House in the debate on property rights. That was the purpose of the CNN piece apparently. CNN knew this was a lie. CNN had documents that we sent to them indicating that the Corps and the EPA indeed has discussed tearing this man's house down. In fact, in fact, the Corps of Engineers had a copy of Mr. Chaconas' letter to the EPA dated September 22 which reads in part:

The house is situated in the wetland, and the three alternatives the EPA is considering, a demolition, moving or elevating the structure.

And yet the Corps reported on CNN, no, no one from this agency told them they would have to tear down their house or remove the road. What a lie told on national television hour after hour and repeated hour after hour in an attempt by those in this environmental community working with those liberal friends in the environmental sector of CNN Headline News to make it look like those of us who believe in property rights who are fighting this battle do not tell our stories right. What a shame. What a despicable piece of journalism from an awfully good and credible news agency.

What a credit NBC earned for sharing this scandal to us, for giving us a chance to expose it to the American public.

I wanted to show you also Mr. Chaconas' request to the EPA dated September 22, 1994. Here is his words to the EPA on that date:

We received the wetlands determination from the Corps. The Federal Government has thus taken control of a majority of our property in the residence. We consider this a taking of our private property for the public good and demand fair and just compensation from the EPA. Consider this as my formal request.

Does that sound like a gentleman who would testify in the Senate against the property rights bill? Does that sound like a gentleman who would go to a House committee and attempt to testify against the property rights bill allegating all the facts that he thought were correct in his lawsuit? A gentleman who made a formal demand on EPA for payment for taking his property? A gentleman who wrote us, in fact, on June 27 that property rights are very important, and my wife and I continue to support your efforts. The point is that buyers and existing land owners are slipping through the cracks because of Federal Government agencies, EPA and the Corps, are really doing a poor job of enforcement. June 27.

Same letter, June 27 again:

Please commend Mr. Constien who is my district director. His efforts have served to diminish my role as a coviolator. EPA did assure me, as long as I cooperated with them and allowed access to the property for corrective measures, they would not seek damages from me. Well who would they seek damages from?

You get the picture? Cooperate with us or else.

Well, the Chaconases apparently have started to cooperated with the EPA and the Sierra Club. Here again on June 28. I listened to Mike Reagan's show on 11:50 a.m., WJBO, on Monday afternoon, caught the taped show you guest-hosted for Mr. Reagan. I was quite impressed. It was at this time we caught the reference to our case that you had mentioned on the air. You doing a good job in Washington, my birth place. Everybody down here is talking about it.

Does this sound like a man going to the Senate and attack this Congressman for misrepresenting his case? What happened? Who poisoned Mr. Chaconas' mind? What made him come out against property rights when he was demanding payment for the taking of his property of the September 22 letter? Who suggested to him that his Congressman was no longer on his side?

Well, in that memo, in that first memo, we get a hint, we get a hint. How to handle removal of a house or restoration work while the Chaconases still own the property is still under debate. We get a hint of what happened. Cooperate or else. We will enforce the demolition order against the Gautreaus, but maybe not against the Chaconases. Cooperate with us.

Now I am sure Mr. Chaconas would not ever admit that he was coerced into changing his mind so dramatically, that he came to Washington, just on his own, that he did not have the help of the Sierra Club, that he did not have the cooperative arm of the EPA, whom I have just shown has violated Federal privacy laws in this case, in Dallas Region 6. I am sure he would say that. I do not blame him frankly. He is trying to protect his home, and the gun of regulation is pointed at his head. We could demolish your home. Cooperate with us, and we will not penalize you. Maybe the Gautreaus, but not you.

What a story. What a disgusting story of a person's own government treating him that way. What a rotten mess. What an example for us as we tomorrow take up the wetlands reform bill of the Clean Water Act, as we try once and for all to reign in those Federal agents and agencies who dare to treat people that way, who violate the Gautreau's privacy rights, who inflict these after-the-fact determinations of wetlands on people and threaten them with demolition of their home and who, in my opinion, end up coercing people to change their opinion on an issue and to cooperate with them or else face the disaster of destruction of their property. What a mess. What an awful mess.

Tomorrow we get a chance to change it. Tomorrow we begin the debate on the Clean Water Act which contains those regulations, those 404 wetlands laws that are so often abused, so often are used to coerce people in my State and all over America, so often end up taking property away from people without just compensation. But worse than that, in this case putting one neighbor in a lawsuit against his neighbor, making it almost impossible then for them to live next to one another, putting them now in a lawsuit against their own government, and perhaps, if the Justice Department and Carol Browner do their job, perhaps costing some people their job in Dallas.

And I have called upon Carol Browner to clean up that mess, and, if

she cannot clean up that mess in her agency, maybe she ought to think about cleaning out her desk. But we in America ought to say enough is enough, and Federal agencies ought not be our master. The government ought to be our servant again in this country, and then when the government becomes such a master that it can so willingly violate our rights, as they did the Gautreaus' in this case, that it can create such a mess as it has in Ascension Parish, Louisiana, and when it can work so hand and glove with lobbyists here in Washington, DC bent on influencing this issue, who then work hand and glove with their liberal friends and some of the media to distort the facts and propagandize their case again reform, then something needs to change. Tomorrow we get a chance to change that. I hope, I pray we do not miss that chance. We need to pass reforms of the wetlands laws, and we need to make sure that property compensation is a part of that law, and if the President dares to veto it, as he threatened to do without even reading the bill, I hope we have the guts in this Congress to override his veto and to give the Americans the protection they deserve under the Constitution, protection against employees of this Government who would take advantage of them the way these employees have.

I am going to file a new bill, by the way, to make it a Federal crime to do what they have done to the Gautreaus and to do it and make it a Federal crime to do what they have done to the Chaconases. No regulatory agency ought to ever have the power to curse somebody with the threat of enforcement action, and no Federal agent ought to keep his job when he violates the privacy rights of Americans and cooperates with lobby groups with sensitive memos detailing protential criminal activity. That has gone too far, and we ought to end it in this body. Tomorrow we strike a blow for land owners and citizens all over this country, and, if this Congress has the will and the fortitude to override the expected veto whenever it comes, perhaps we can remake a relationship in this country between the Goovernment and its people again, where there is credibility, and trust, and fairness, and where we do not have to be suing our Government, and ordering investigations and criminal charges brought against Government officials who ought to know better, who ought to do better than Ron Ventola did in the New Orleans office and lying on television and who ought to do better than those EPA officials did in Dallas.

I yield to the gentleman from Florida [Mr. MICA]. 3

Mr. MICA. First of all I want to take just a moment to express my appreciation to the gentleman from Louisiana [Mr. TAUZIN] for bringing this matter to the attention of the House. For too long the Agency, EPA, has really reigned out of control, and I come here tonight, I know the hour is late, before the House, but I want to commend you again on bringing this matter to the attention of both the House and the Congress, another example of misdeed, of malfeasance, of misfeasance in office, which has been conducted by the Environmental Protection Agency.

I come here also to commend you in a bipartisan effort. I am on the other side of the aisle and thank you for your leadership in questions relating to wetlands, to revision of some of the laws such as the Clean Water legislation which the House will be taking up tomorrow, and again for bringing before the Congress and the American people the question of how this agency is functioning out of control.

Mr. Speaker and gentleman from Louisiana, I had the opportunity to sit as a member of the subcommittee in the House Committee on Government Operations during the last session of Congress. I came as a new member. I came as someone from business with a business background.

Quite frankly I sat in absolute stunned fashion to listen day after day in hearing after hearing of how an agency which is so well-intended—in fact it is a Republican initiative that created the Environmental Protection Agency. Everyone wants to protect the environment. Everyone wants to look out for the environment. Everyone wants to preserve wetlands and our natural areas for this generation and future generations. But to sit as a member of that committee and consistently hear the abuse, the misuse, the misdirection of billions of taxpayer dollars, I was just stunned and appalled, and that is why I got involved in this issue. That is why during the last Congress, as a new Member of this Congress, I was able to get support from both sides of the aisle when the question of elevating EPA from a department to a Cabinet level position came before the House, and we defeated that measure, not because people do not want to protect the environment, not because people are not concerned about the environment, not because people have any interests in lowering the standards for environmental protection in this country, but because of exactly the reason the gentleman from Louisiana is on the floor tonight, because this agency is out of control, and you have brought to the House again another example that should be investigated, and I, too, demand an investigation and will do everything in my power to see that the majority acts on your request because again this agency is out of control. This agency is so inept, so out of control, again I brought this matter before the attention of the House, and let me cite to you what they did to me.

Here, just several months ago, they sent a fax to my office inviting me to a briefing on wetlands. They sent the fax, and the cover sheet is addressed to two individuals. Both were my opponents in the election. In fact their list predated the qualifying date for election in the State of Florida. So they used a list that was even out of date and then they gave me this lame excuse as a response.

☐ 2100

But here they have the time to send me a fax addressed to my opponents with my name on it, to my congressional office, months after the election. If this is not an example of abuse of office, and, if nothing else, ineptness in office.

Now, you bring tonight an example to the floor of what this agency is doing in your instance. Here is a little example of what they are doing in my particular situation. I called for an investigation back in the spring of this year, in February, I believe it was, of this year, and this is the lame excuse that I got.

This is an agency that is out of control. And when they have time to intimidate people, to act in a manner in which the gentleman has brought before the House tonight, they deserve investigation. And I intend as a Member of the majority side of the House to see that in fact this agency investigates the matter you brought before the House.

Let me also point out that I, too, had great hopes. Carol Browner, Administrator Browner, came from my State, the State of Florida. It was my hope she had seen some of the problems with this agency from serving in a capacity at the State level that protected the environment in the State of Florida, and would come here and try to make changes in this agency, make some sense out of it. But it is the situation where the inmates are running the asylum.

Mr. TAUZIN. My friend will love this. This is a letter I just received this last couple of months from attorneys writing to the office of the General Counsel, National Oceanic and Atmospheric Administration, one of the environmental agencies working hand-in-globe with EPA. It is regarding settlement discussions of the turtle/shrimp litigation. You have shared my problems in Florida with this and requiring more and more regulations upon the shrimpers in my State because of the Endangered Species Act. Listen to this paragraph.

> Finally, on a public policy note, my clients are becoming deeply distressed about how the agency appears to be more responsive to, and to some extent acting in collusion with, representatives of the environmental community with respect to the shrimp/turtle controversy. Although Andy Kemmerer and Rollie Schmitten appear anxious to hear industry's concerns, we still sense the agency is responding to what appears to be a ''shadow government'' formed by certain environmental groups.

The link I talked about tonight, this illegal transmission of confidential data to one of the environmental groups, is part and parcel of what this is all about, an agency out of control,

acting on its own, working with lobbyists here to accomplish their agenda.

Mr. MICA. If the gentleman will yield back, again the gentleman cities an example that needs and demands and requires investigation, and I support the gentleman in that, and now this side of the aisle will support you in that.

I brought another matter, it is not a major matter of life and death, but a matter that concerned me. Chairman MCINTOSH, DAVID MCINTOSH, who heads the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, is in the process now of also investigating the use of taxpayer money to lobby the Congress on issues, which is totally illegal.

So there are a number of these very pressing examples of misuse of this office that need to be investigated by this Congress. Again, I join you tonight and make a commitment to you tonight that we will pursue these matters. And I will tell you, first of all, we have to get the attention in revising this legislation, and we will have that opportunity to look at clean water and some of the other issues that are before the House.

But if we cannot get the agency's attention with these investigations, we will get the agency's attention through the budgetary process and through the appropriations process. Because there are many Members, like the gentleman from Louisiana and other Members of this Congress, who have absolutely had it, right up to here, with this agency. It is out of control, it needs to be brought into control, and we can do a much better job in protecting the environment of this country.

I consider myself an environmentalist. I consider myself as someone who is concerned about the future of the environment that we live in. I want to leave to my children and my grandchildren a better world, a better United States, a better environment. But we cannot do it when an agency is out of control, it is misdirected, and the funds that it is getting are expended in ways in which they were not intended by this Congress.

So we have to rein that in. We have to investigate what is going on there. And we can do a better job and we are demanded to do a better job because we have limited resources. We have literally run out of the taxpayer dollar in the Congress of the United States, and we have to find a better way to do a better job with less money.

So we are demanding that. I join the gentleman in asking my colleagues in the Congress and the House on both sides to look at these matters, to bring this agency into control, and to do a better job in protecting the environment. I am so pleased to join you.

Before I conclude, I just want to again quote, and we have had questions raised about EPA and its being brought out under control. During some of the debate you have an opportunity to sit and read different documents, and I had an opportunity to sit here and read during one of our last debates the Declaration of Independence.

When you look back at the reasons that this country was formed, they are very enlightening. They were very enlightening 200 years ago, and they should be enlightening to all the Members. But I have to repeat this, and I made this comment from the Declaration. This cites one of the reasons for the founding of this country, and it talks about here the King of England, and you can substitute the king with the Federal bureaucracy and EPA.

It says:

> He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance.

The same thing that happened 200 years ago is happening today with this agency and other agencies that are out of control.

Again, I commend the gentleman from Louisiana for bringing this matter to the attention of the House in such detail. I commend you on documenting every point here and showing how again this agency has misused the position of trust given to this agency by the Congress and by the American people, and it demands our attention and our investigation.

Mr. TAUZIN. I thank the gentleman from Florida [Mr. MICA] who has been a leader in the fight as I said to rein in this agency. I appreciate your offers of help. We are going to need a lot of help in that regard.

Mr. MCINTOSH. If the gentleman will yield, I thank the distinguished gentleman from Louisiana, a leading defender in the rights of private property owners, for yielding to me. I want to add my support to your investigation into this newest allegation of the abuse of power at EPA. Our Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, we often call it the subcommittee to cut red tape, has been investigating EPA activity, and that activity closely mirrors what you have encountered at the agency.

Let me stop to say I also want to commend you for your efforts on behalf of property owners who have encountered regulatory overreach in the wetlands area.

I have got several constituents in my district who have encountered similar problems. One gentleman, Bob Floyd, owns a farm in my hometown of Muncie, and he had been farming this land for 50 years. One day his neighbor accidently destroys the drainage tile which is necessary to irrigate his land, and suddenly a mud puddle developed on one corner of the field. In swooped EPA and said he could no longer farm the land because this might be an endangered wetland.

It is that type of overreach and abuse of the program that have led to many of our problems. But today we are looking at and you have raised a very serious question on the standard of ethics and the propriety of the agency's activities in defending their actions. The activity that we are investigating in the subcommittee appears to violate several Federal statutes, including provisions of the Anti-lobbying Act and the Federal conspiracy statute.

Our subcommittee has shown that EPA has been using taxpayer funds to create and send out illegal lobbying material to over 100 grassroots lobbying organizations. Most of that material was dishonest propaganda. All of this was designed to incite these outside organizations to attack Members of Congress who supported regulatory reform in the last period of Congress during the 100 days.

Our evidence suggests a high degree of coordination and cooperation between EPA and these outside lobbying groups to convey the agency's somewhat hysterical message against any type of real meaningful regulatory reform. Sometimes I was reminded in the debate of Chicken Little, who cried over and over again the sky is falling, the sky is falling, and we all know what our effort is, is to protect the environment, but to do it in a better way that does not overregulate the American people.

Well, top EPA officials, many of whom came from various environmental advocacy groups engaged in this lobbying, do not seem to understand that their responsibility is now one to the American people. It is a responsibility that comes with their office, and they can no longer act as lobbyists or partisan political operatives. They have a fiduciary duty to the American people to use taxpayer money in accordance with the law. One of the laws requires that agencies not engage in this type of outside lobbying activity, and it is very clear that they have intended to orchestrate that sort of a program with these outside lobbying groups.

You know, when the first contacted EPA about this lobbying activity, we expected the agency to cooperate with our probe. We assumed that it had been something that perhaps had not been reviewed by the highest levels in the government. But instead, the top political appointees have stonewalled the investigation, they have continued to engage in very similar, highly questionable conduct, and Administrator Browner, herself, has shown contempt for our investigation and for the Congress in her public speeches and comments to the press, all the while denying that anyone at EPA could possibly have done anything wrong, because they are at EPA acting in what they see as the interests of the agency. Yet the very act that you have exposed as violating the Privacy Act is part of a troubling pattern of evidence that indicates that these top agency officials may have violated other Federal statutes and Federal appropriations laws.

We have evidence that EPA conduct you have been exposing may be part of a larger plan to use taxpayer dollars to

spread disinformation about the Contract with America and the reforms that we were trying to pass. In a way, they politicized the agency and have taken it beyond its legitimate purpose. This does not serve the goal of preserving the environment, but undermines the credibility of the agency in the eyes of the American people. I want to commend you for your personal courage and welcome your call for an investigation into this troubling activity. I very much appreciate the distinguished gentleman from Louisiana for yielding to me on this important matter of Government ethics, and want to commend him in that endeavor.

Mr. TAUZIN. I want to thank the chairman of the committee, not only for his efforts in uncovering more and more of the evidence that leads inescapably to some of the conclusions you and I and others are coming to. The agency is out of control. It is literally engaging in political activities it was never designed to engage in and in violation of citizens' rights, but also for accepting the challenge as other committees have already done, by the way. The INI Subcommittee of the Committee on Energy and Commerce has already started an investigation of this matter. We have enough investigators out there. We might just uncover enough to put a stop to some of this stuff.

I want to thank the gentleman for all of his efforts in regulatory reform and for the courage many Members of the House have shared with him in passing legislation that the Senate I hope will take up soon and pass for us and give it to the President, and hopefully the American people and we soon can end some of those abuses as rapidly as we can.

Mr. MCINTOSH. If the gentleman will yield again, I wanted to commend the gentleman for also showing this is a bipartisan effort, that the standards of high ethical conduct and obeying the law are something that Democrats and Republicans want all public servants to obey in this country, and I appreciate his courage and effort to point that out, that that fiduciary duty and the standards of obeying the law and implementing the laws, is something that we can share as Members of both political parties in endeavoring to make sure that the Government does what is right and what is best for the American people. So I commend the gentleman in that effort, and am pleased to be associated with the gentleman's effort.

Mr. TAUZIN. Mr. Chairman, I also wanted to point out I am not sure that everyone in America understands that it does take some real courage on the part of this House to take on some of these people. The Sierra Club is livid right now. They are livid that we uncovered this.

I wrote a letter to Mr. Peter Dykster of CNN Headline News complaining about the despicable piece of journalism he performed on behalf, I think, of the environmental community. And guess what? The Sierra Club wrote me a letter today distributed all over the Hill. The Sierra Club has received a copy of the letter you sent Mr. Peter Dykster of CNN News dated April 13. They got the letter already.

□ 2115

They are good old buddies. They are working hand and glove. The letter establishes again this connection, this connection that weaves through some of these liberals in the media who are prepared to do anything to propagandize this effort.

These environmental groups are working with taxpayer funds in some cases; in some other cases, in direct collusion with EPA officials that do not mind violating the law to help them out to spread their disinformation. And the fabric, this weave of collusion and interaction is beginning to be exposed.

I am not a conspiracy theorist, but I see what I see, and I read what I read. And when an agency of the Government is willing to violate a citizen's rights to help a lobby group who then runs to the media with something as confidential as that and gets livid when we expose it, I think you understand what is going on.

They will attack. The Sierra Club will attack you, will attack every Member of this body who dares to take them on. But it is time we take them on. They are wrong. And the agencies of Government are wrong when they work with them in order to take away the rights of Americans.

We are in this fight to win, not for you and I, but for the sake of those landowners and Americans who thought they could depend upon the Constitution who now need a law to protect them as rapidly as we can pass them.

Mr. MCINTOSH. The gentleman is exactly on point. The American people expect us to have a higher standard and to have the courage to stand up for these groups. They are tired of seeing Government abuse its power, and they find it a refreshing change that we have now got Members of Congress on both sides of the aisle who are going to make an issue of that and stand up for what is right. And the consequences may be difficult for us in a political way, but we know in our hearts that we are doing what the American people want and what is right.

I am reminded of another farmer in Indiana, Mr. Bart Dye, who came to our subcommittee hearing. We had a field hearing in my hometown, Indianapolis, over the recess about the problems of regulations. And he summed up his testimony by saying, ''I fought in World War II to protect the freedoms that we held dear in our hearts. I didn't expect the country to turn on me as I am now entering the twilight days of my life.''

So it is for people like Mr. Dye who we have to stand up for those freedoms, and I thank the gentleman being willing to do that.

Mr. TAUZIN. I thank the gentleman so much for his statement.

Let me assure you, it does not just happen to farmers and to little landowners like Mr. Gautreau. They do not care who they pick on.

I just got a fax tonight from the Second Circuit Court of Appeals judge in Shreveport, LA. I was in Shreveport last weekend. He told me about this and promised to send me a fax on it and authorized me to tell the story tonight.

This is a court of appeals judge who bought 460 acres in Tangipahoa Parish across the lake from New Orleans. The tract is about 1¼ miles frontage on Louisiana Highway 22 between Ponchatoula and Madisonville. It has been owned by the family for 80 years, primarily used as timber land. In 1993, he spent $10,000 to map an aerial survey, do soil studies, and to submit all those studies to the Corps of Engineers.

On December 14, 1993, the Corps of Engineers, in a two-page document signed by, guess who, Dr. Thom Davidson of Gautreau-Chaconas fame, Dr. Thom Davidson, which document was identified with a survey that was attached, declared over 90 percent of the 460 acres nonwet. Only 41 acres out of the 460 was determined to be wet, subject to the jurisdiction of the Corps of Engineers under the Clean Water Act. He has that document signed by Thom Davidson.

Well, spring of 1994 comes along.

I entered into a venture with a partner ''to test the real estate market'' by beginning a residential development on 58 acres of a larger tract. Not one part of the 58 acres was wetland. Absolutely none.

Here comes the horror part.

He is away in Europe for the 50th anniversary of D-day in June 1994,

* * * when several of the bearded wonders of the U.S. Army came out and told my partner to get off his bulldozer and stop his work, as he was violating wetlands. Since then, the Army has reevaluated the 58 acres and has declared over half of it to be wetlands. We have been stopped since last June, 11 months ago, while attempting the so-called permitting process. The cost, expenses and damages resulting from this invasion have yet to be determined. If folks in Washington, D.C. do not understand why so many people in this country are angry, then they really do not get it.

This is not a militia man. This is not an angry man with a gun on talk radio. This is a Second Circuit Court of Appeals judge who, 4 years after the corps wrote him a letter saying the land is not wetlands, shows up with a cease and desist order and has now got him all tangled up in a wetlands dispute, much like the Gautreaus and the Chaconases who, 3 years after the home was built, showed up to say, We now think it is a wetland in spite of the fact that we sent you a letter earlier saying this property was exempt. Now you are in trouble.

That is the kind of mess Americans are going through. Farmers, little

homeowners, court of appeals judges. Who have they missed?

MORE ON PROPERTY RIGHTS

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, the gentleman asked a rhetorical question, is there anyone who is perhaps left unaffected by this? I think the answer is no. I am reminded of another group of people that were gravely affected in my district and that is the workers in my district.

There is a town in the second district of Indiana, Anderson, which for years has been a very strong auto manufacturing town. GM has had numerous plants there.

At one point I believe they employed quite a large percent of the population in that town, almost 50 percent. As they have been downsizing some of their operations, the town of Anderson has been seeking to gain new employers. And one of the development projects that they sought to bring into their town was the new plant by the Nestlé Corp. that would diversify some of the jobs in that area, create hundreds of new jobs for people in the town of Anderson.

As they looked at the site, Nestlé was considering Anderson and another town out of the district in Indiana, a couple other sites, and were about ready to locate this new facility there when they discovered that there might be a wetlands problem in the land that they were looking at to build this new plant. The land had been farmland for generations, was not something that you would think of as an environmentally sensitive area. But because of the threat that the government might come in under the wetlands law and deny them the permit to build this plant, the Nestlé Co. says, we are going to look elsewhere and located the facility somewhere else. Thank goodness we were lucky they chose another place in the United States. Sometimes we are not so fortunate and we are sending jobs overseas.

So the working man and woman in this country suffer when these regulations cause jobs to be relocated so that they cannot be built in our communities, another example of people who are affected by this abuse of the regulatory powers.

Again, let me commend the gentleman from Louisiana for his courage and effort in this area. I wholeheartedly support that.

Mr. TAUZIN. I thank the gentleman, if the gentleman will yield. I want to thank him and again particularly express my appreciation for accepting the challenge to help us in this investigation, to get to the bottom of this, put a stop to it, then eventually to change some laws in this country so that the fifth amendment of the Constitution is not just some piece of paper, that it is a real and enforceable right for Americans who are being deprived of their property without just compensation through these regulatory overkills.

I look forward to working with the gentleman, thank him for joining me tonight. And I think we both owe a debt of thanks to the Chair for being so patient with us this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. ROGERS (at the request of Mr. ARMEY), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. EHRLICH) to revise and extend their remarks and include extraneous material:)

Mr. GRAHAM, for 5 minutes, on May 9, 10, 11, and 12.

Mr. DORNAN, for 5 minutes, on May 10.

Mr. KINGSTON, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.

EXTENSION OF REMARKS.

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. DELAURO) and to include extraneous matter:)

Mr. OBEY.

Mr. WARD.

Mr. HAMILTON in three instances.

Mr. KILDEE in two instances.

Mr. BECERRA.

Mr. RANGEL.

Ms. PELOSI in two instances.

Mr. ACKERMAN in two instances.

Mr. ENGEL.

Mr. DEFAZIO.

Mr. FOGLIETTA.

Mr. UNDERWOOD.

Mrs. MALONEY in two instances.

Mr. HALL of Ohio.

Mr. STOKES.

Mr. LANTOS.

Mr. JACOBS in two instances.

Mr. KENNEDY of Massachusetts.

Mr. DELLUMS.

Mr. REED.

Mr. FARR.

Mr. STARK.

Mr. JOHNSON of South Dakota.

Mr. CONDIT.

Mr. DINGELL.

Mr. HILLIARD.

Mr. BROWN of Ohio.

Mr. RICHARDSON.

Mr. OBERSTAR.

Mr. BERMAN.

Mr. LAFALCE.

Mr. TORRES.

(The following Members (at the request of Mr. EHRLICH) and to include extraneous matter:)

Mr. BAKER of California.

Mr. ROGERS.

Mr. SMITH of New Jersey.

Mr. WELLER.

Mr. DAVIS.

Mr. MARTINI.

Mr. NEY.

Mr. FORBES.

Mr. CASTLE.

Mr. SAXTON.

Mr. FLANAGAN.

Mr. PACKARD.

Mr. EWING.

Mr. GILMAN.

Mr. STUMP.

Mr. COOLEY.

Mr. TATE.

Mr. LEACH.

Mr. EMERSON.

Mr. BREWSTER.

(The following Members (at the request of Mr. MCINTOSH) and to include extraneous matter:)

Mrs. KENNELLY.

Mr. MONTGOMERY.

Ms. FURSE.

Mr. BACHUS.

Mr. LAUGHLIN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 103. An act entitled the ''Lost Creek Land Exchange Act of 1955''; to the Committee on Resources.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

On May 8, 1995:

H.R. 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet region, and for other purposes.

H.R. 517. An act to amend title V of Public Law 96–550, designating the Charo Culture Archeological Protection Sites, and for other purposes.

H.R. 1380. An act to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act.

ADJOURNMENT

Mr. MCINTOSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 10, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

824. A letter from the director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–69); to the Committee on Appropriations and ordered to be printed.

825. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to South Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

826. A letter from the Counsel to the President, The White House, transmitting notification that the White House is delivering to the House Committee on Banking and Financial Services classified documents that are responsive to the request for documents contained in House Resolution 80 and described in paragraphs (1) through (28) of that resolution; to the Committee on Banking and Financial Services.

827. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the provision of defense hardware and services to Canada (Transmittal No. DTC–19–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

828. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the provision of defense hardware and services to the People's Republic of China (Transmittal No. DTC–8–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

829. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the provision of defense hardware and services to Greece (Transmittal No. DTC–18–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

830. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the provision of defense hardware and services to Argentina (Transmittal No. DTC–20–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

831. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the Czech Republic (Transmittal No. DTC–21–95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

832. A communication from the President of the United States, transmitting his declaration of a national emergency with respect to Iran, pursuant to 50 U.S.C. 1703(b) and 50 U.S.C. 1631 (H. Doc. No. 104–70); to the Committee on International Relations and ordered to be printed.

833. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Timothy Michael Carney, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Sudan, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

834. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

835. A letter from the Navy Exchange Service Command, Department of the Navy, transmitting the annual pension plan report for the plan year ending December 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

836. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code (Transportation), to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes; to the Committee on Transportation and Infrastructure.

837. A letter from the U.S. Trade Representative, transmitting a report on recent developments regarding implementation of section 301 of the Trade Act of 1974, covering the period January through December 1994 and reflects the effectiveness of this trade remedy in eliminating or reducing foreign unfair trade practices, pursuant to 19 U.S.C. 2419; to the Committee on Ways and Means.

838. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1977, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

839. A letter from the President, U.S. Institute of Peace, transmitting first, the report of the audit of the Institute's accounts for Fiscal Year 1994; and second, the Institute's report entitled ''Building Peace—The First Decade and Beyond,'' pursuant to 22 U.S.C. 4607(h); jointly, to the Committees on Economic and Educational Opportunities and International Relations.

840. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report to the Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly, to the Committees on Commerce and National Security.

841. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 23, United States Code, to provide for the designation of the National Highway System, the establishment of certain financing improvements, the creation of State infrastructure banks, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and Banking and Financial Services.

842. A letter from the Administrator, Small Business Administration, transmitting the annual report on minority small business and capital ownership development for fiscal year 1994, pursuant to Public Law 100–656, section 408 (102 Stat. 3877); jointly, to the Committees on Small Business and Government Reform and Oversight.

843. A letter from the Secretary of Energy, transmitting a draft of propose legislation to authorize privatization of the Naval Petroleum Reserves, and for other purposes; jointly, to the Committees on Commerce, National Security, the Budget, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure, House Concurrent Resolution 64. Resolution authorizing the 1995 Special Olympics Torch Relay to be run through the Capitol Grounds (Rept. 104–113). Referred to the House Calendar.

Mr. QUILLEN: Committee on Rules. House Resolution 140. Resolution providing for consideration of the bill (H.R. 961) to amend the Federal Water Pollution Control Act (Rept. 104–114). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1266. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; with an amendment (Rept. 104–115). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TORRES:

H.R. 1578. A bill to amend the Indian Gaming Regulatory Act to provide adequate and certain remedies for sovereign tribal governments; to the Committee on Resources, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio:

H.R. 1579. A bill to require providers of home infusion therapy services to be licensed and to limit physician referrals for home infusion therapy services in which the physician has a financial interest; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. CALVERT, Mr. ORTON, Mrs. VUCANOVICH, Mr. CREMEANS, Mr. HAYWORTH, Mr. STUMP, Mr. SKEEN, Mr. CRAPO, Mr. EMERSON, and Mr. SHADEGG):

H.R. 1580. A bill to amend the general mining laws to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, to create a

State program for the reclamation of abandoned hard rock mining sites on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. COOLEY:

H.R. 1581. A bill to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the city of Sumpter, OR; to the Committee on Resources.

By Mr. CUNNINGHAM (for himself, Mr. BILBRAY, Mr. HUNTER, and Mr. PACKARD):

H.R. 1582. A bill to amend the Clean Air Act to provide for the reclassification of downwind nonattainment areas, and for other purposes; to the Committee on Commerce.

By Mr. ENGLISH of Pennsylvania:

H.R. 1583. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage; to the Committee on Economic and Educational Opportunities.

By Mr. FRANK of Massachusetts:

H.R. 1584. A bill to provide that Federal and State courts and agencies may not require that legal citations in which copyright subsists be the only acceptable submission to such courts and agencies where alternatives exist; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 1585. A bill to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes; to the Committee on Resources.

By Mr. JACOBS:

H.R. 1586. A bill to amend title II of the Social Security Act to establish a continuing disability review account in the Federal disability insurance trust fund which shall be available solely for expenditures necessary to carry out continuing disability reviews; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 1587. A bill to amend title 28, United States Code, and the Social Security Act with respect to the establishment and jurisdiction of a U.S. Court of Appeals for the Social Security Circuit; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of South Dakota:

H.R. 1588. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Ways and Means.

By Mr. KNOLLENBERG:

H.R. 1589. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage and overtime requirements individuals who volunteer their time in order to enhance their occupational opportunities; to the Committee on Economic and Educational Opportunities.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ARCHER (for himself and Mr. THOMAS):

H.R. 1590. A bill to require the Trustees of the Medicare trust funds to report recommendations on resolving projected financial imbalance in Medicare trust funds; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARTINEZ (for himself, Mr. FATTAH, Mr. DELLUMS, Ms. WATERS, Mr. CLAY, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. OWENS, Mr. SCOTT, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, Mrs. COLLINS of Illinois, Mr. TORRES, Mr. SERRANO, Mr. FOGLIETTA, and Mr. MCDERMOTT):

H.R. 1591. A bill to establish a national public works program to provide incentives for the creation of jobs and address the restoration of infrastructure in communities across the United States, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON:

H.R. 1592. A bill to require the Postmaster General to redraw ZIP code boundaries to coincide with community boundaries; to the Committee on Government Reform and Oversight.

By Mr. MONTGOMERY (for himself, Mr. CLYBURN, and Mr. MASCARA):

H.R. 1593. A bill to amend title 38, United States Code, to provide for a Veterans' Employment and Training Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SAXTON (for himself, Mr. ARMEY, Mr. HASTERT, Mr. ISTOOK, Mrs. KELLY, Mrs. SEASTRAND, Mr. HASTINGS of Washington, Mr. HOKE, Mr. COX, Mr. MANZULLO, Mr. EWING, Mr. SANFORD, Mr. LAHOOD, Mrs. MEYERS of Kansas, Mr. STUMP, Mr. SCARBOROUGH, Mr. UPTON, Mr. HEINEMAN, Mr. LARGENT, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. DOOLITTLE, Mr. EHRLICH, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. SALMON, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. MILLER of Florida, Mrs. CHENOWETH, Mr. HERGER, Mr. BARTON of Texas, Mr. LATHAM, Mr. LIVINGSTON, Mr. GEKAS, Mr. HILLEARY, Mr. TALENT, Mr. WALSH, and Mr. DELAY):

H.R. 1594. A bill to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans; to the Committee on Economic and Educational Opportunities.

By Mr. GINGRICH (for himself, Mr. GILMAN, Mr. HORN, Mr. LAZIO of New York, Mr. ZIMMER, Mr. SMITH of New Jersey, Mr. WELLER, Mr. DELAY, Mr. PAXON, Mr. SOLOMON, Mr. MCINTOSH, Ms. MOLINARI, Mr. HASTERT, Mr. ARCHER, Mrs. MYRICK, Mr. NUSSLE, Mrs. VUCANOVICH, Mr. BARR, Mr. TORKILDSEN, and Mr. BURTON of Indiana):

H.R. 1595. A bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. SMITH of New Jersey):

H.R. 1596. A bill to require the President to notify the Congress of certain arms sales to Saudi Arabia until certain outstanding commercial disputes between United States nationals and the government of Saudi Arabia are resolved; to the Committee on International Relations.

By Mr. STUMP (for himself, Mr. CALLAHAN, and Mr. EVERETT):

H.R. 1597. A bill to amend the Immigration and Nationality Act with respect to the authority of the Attorney General to parole aliens into the United States; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 1598. A bill to establish a definition of made in America or the equivalent thereof for purposes of Federal law; to the Committee on Government Reform and Oversight.

By Mr. SKAGGS (for himself, Ms. DELAURO, Mr. ABERCROMBIE, Mr. JOHNSTON of Florida, Mr. YATES, Mr. FATTAH, Mr. GUTIERREZ, Mr. SHAYS, Mr. TORRICELLI, Mr. OWENS, Mrs. CLAYTON, Ms. PELOSI, Mr. SABO, Mr. BERMAN, Mr. BARRETT of Wisconsin, Mr. LEWIS of Georgia, Mr. ENGEL, Mr. TORRES, Mr. WARD, Mr. SERRANO, Mr. ROMERO-BARCELO, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. TUCKER, Ms. WATERS, Mr. FRAZER, Mr. COYNE, Mr. UNDERWOOD, Mr. MANTON, Ms. LOWEY, Mrs. COLLINS of Illinois, Mr. STARK, Mr. MARKEY, and Mr. SCHUMER):

H. Con. Res. 65. Concurrent resolution expressing the sense of the Congress that the Brady Handgun Violence Prevention Act, the assault weapons ban, and the restrictions on the transfer of handguns to juveniles are reasonable, important, and effective measures to reduce crimes of violence; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mrs. JOHNSON of Connecticut):

H. Res. 141. Resolution expressing the sense of the House regarding United States-Japan trade; to the Committee on Ways and Means.

By Mr. SCOTT (for himself, Mr. REED, Mr. OWENS, Mr. FATTAH, Mr. FRANK of Massachusetts, and Mr. BERMAN):

H. Res. 142. Resolution amending the Rules of the House of Representatives to allow proxy voting in committee in particular, limited circumstances; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

68. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to urging the U.S. Congress to renew the highly successful U.S. Sugar Program in the 1995 farm bill; to the Committee on Agriculture.

69. Also, memorial of the Senate of the State of Hawaii, relative to urging the U.S. Congress to renew the highly successful U.S. Sugar Program in the 1995 farm bill; to the Committee on Agriculture.

70. Also, memorial of the Senate of the State of Washington, relative to requesting the United States to advocate for the admission of Taiwan to the United Nations; to the Committee on International Relations.

71. Also, memorial of the Senate of the State of Washington, relative to water adjudication; to the Committee on Resources.

72. Also, memorial of the House of Representatives of the State of Maine, relative to Federal mandates; to the Committee on the Judiciary.

73. Also, memorial of the House of Representatives of the State of Washington, relative to urging Congress to use transportation funds for transportation purposes; to the Committee on Transportation and Infrastructure.

74. Also, memorial of the House of Representatives of the State of Minnesota, relative to memorializing Congress to fund the Amtrak system to enable it to continue to serve Minnesota; to the Committee on Transportation and Infrastructure.

75. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to memorializing the Congress of the United States to enact legislation to allow Federal income tax deductions on medical expenditures and health insurance premiums purchased by the self-employed, and other individuals' to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS:

H.R. 1599. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Too Much Fun;* to the Committee on Transportation and Infrastructure.

By Mr. WISE:

H.R. 1600. A bill for the relief of Robert and Dorothy Shickle; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. SCHUMER, Mr. MEEHAN, and Ms. LOFGREN.

H.R. 58: Mr. BARTON of Texas and Mr. MCCRERY.

H.R. 65: Mr. DEFAZIO and Mr. BRYANT of Texas.

H.R. 67: Mr. MINGE, Mr. PETRI, and Mr. PORTER.

H.R. 70: Mr. BENTSEN and Mr. BARTON of Texas.

H.R. 89: Mr. HOSTETTLER.

H.R. 103: Ms. KAPTUR, Mr. MCHUGH, Mr. FOLEY, Mr. EMERSON, and Mr. CRAMER.

H.R. 104: Mr. DELAY.

H.R. 109: Mr. JOHNSON of South Dakota and Mrs. ROUKEMA.

H.R. 110: Mr. BURTON of Indiana.

H.R. 244: Mr. BLUTE and Mr. NEAL of Massachusetts.

H.R. 248: Mr. SERRANO.

H.R. 303: Mr. DEFAZIO and Mr. BRYANT of Texas.

H.R. 332: Mr. FALEOMAVAEGA.

H.R. 390: Mr. CREMEANS, Mr. BRYANT of Texas, Mr. WHITFIELD, Mr. SALMON, Mr. CRAPO, and Mr. BARRETT of Wisconsin.

H.R. 393: Mr. GEJDENSON.

H.R. 394: Mr. NETHERCUTT, Mr. CALLAHAN, Mr. ROHRABACHER, Mr. HORN, Mr. HASTING of Washington, Mr. JOHNSTON of Florida, Ms. LOFGREN, Mr. MILLER of Florida, Mr. SCHAEFER, Mr. DEFAZIO, Mr. FOLEY, Mr. CRAMER, Mr. BARTON of Texas, and Mr. CANADY.

H.R. 407: Mr. GANSKE.

H.R. 452: Mr. MEEHAN.

H.R. 468: Mr. FROST, Mr. WELLER, Mr. EVANS, Mr. FILNER, Mr. SOLOMON, Mr. SCHIFF, Mr. GEJDENSON, and Mr. GENE GREEN of Texas.

H.R. 470: Mr. BROWN of Ohio, Mr. KENNEDY of Massachusetts, Mr. SCHIFF, Mr. BLUTE, and Mr. MENENDEZ.

H.R. 488: Mr. CASTLE, Mr. DEUTSCH, Mr. FATTAH, Mr. FRISA, Ms. NORTON, Mr. UNDERWOOD, Mr. MANTON, Mr. LEWIS of Georgia, Mr. CHAPMAN, Mr. KLUG, and Mr. MARTINEZ.

H.R. 520: Mr. HOSTETTLER.

H.R. 522: Mrs. JOHNSON of Connecticut.

H.R. 526: Mr. BURR, Mr. BLILEY, and Mr. JOHNSON of South Dakota.

H.R. 530: Mr. CLEMENT, Mr. FILNER, Mr. TANNER, Mr. ORTON, Mr. GALLEGLY, Mr. MCNULTY, and Mr. DUNCAN.

H.R. 553: Mrs. MEEK of Florida and Ms. JACKSON-LEE.

H.R. 580: Mr. HAYES, Mr. HALL of Ohio, Mr. KOLBE, Mr. ENSIGN, Mr. RIGGS, Mr. YOUNG of Florida, Mr. GOODLING, Mr. ROSE, Mr. SPRATT, Mrs. LINCOLN, Mr. MCINNIS, Mr. BUNN of Oregon, Mr. FIELDS of Texas, Mr. EHLERS, Mrs. CHENOWETH, Mr. GUTKNECHT, and Mr. CAMP.

H.R. 623: Mr. HEFNER.

H.R. 661: Mr. EMERSON.

H.R. 704: Mr. ROMERO-BARCELO, Mr. HEFLEY, Mr. FROST, and Mr. FIELDS of Texas.

H.R. 733: Mr. ZIMMER and Mr. RUSH.

H.R. 734: Mr. ZIMMER and Mr. RUSH.

H.R. 745: Mr. FRANK of Massachusetts.

H.R. 752: Mr. LATOURETTE.

H.R. 753: Ms. ESHOO, Mr. SERRANO, and Mr. VENTO.

H.R. 757: Mr. STARK.

H.R. 772: Ms. DANNER, Mr. KLECZKA, Mr. POMEROY, Mr. ROSE, Mr. PORTER, Mr. JACOBS, Ms. ROYBAL-ALLARD, Mr. MINETA, Mr. MEEHAN, Mr. CARDIN, Ms. ESHOO, Mr. ANDREWS, Mr. MOAKLEY, Ms. MCCARTHY, Mr. STUDDS, Mr. YATES, and Mr. KILDEE.

H.R. 783: Mr. PETE GEREN of Texas, Mr. SKEEN, Mr. TRAFICANT, Mr. HOLDEN, Mr. GRAHAM, Mr. BROWN of Ohio, Mr. HOEKSTRA, Mr. BROWNBACK, Mr. THORNBERRY, and Mr. CALVERT.

H.R. 784: Mr. DUNCAN, Mr. MCCRERY, Mr. THORNBERRY, Mr. GALLEGLY, and Mr. HOSTETTLER.

H.R. 788: Mr. BARTON of Texas.

H.R. 789: Mr. NORWOOD, Mr. HERGER, Mr. HEINEMAN, Mr. DOYLE, Mr. HOBSON, Mr. LAUGHLIN, Mr. GILLMOR, and Mr. MURTHA.

H.R. 820: Mrs. MYRICK, Mr. BALLENGER, Mr. KLINK, Mr. WELDON of Pennsylvania, Ms. ROYBAL-ALLARD, Mr. BARR, Mr. MURTHA, and Mrs. FOWLER.

H.R. 833: Mr. SHAYS.

H.R. 864: Mr. HINCHEY, Mr. RANGEL, Mr. BOUCHER, Mr. PARKER, Mr. COOLEY, and Mr. SHAW.

H.R. 873: Mr. BENTSEN, Mr. NADLER, Mr. LUTHER, Mr. FARR, Mr. EVANS, Mr. TORRICELLI, Mr. MARTINEZ, Mr. PALLONE, Mr. LEWIS of Georgia, and Mr. BROWNBACK.

H.R. 911: Mr. HOLDEN and Mr. SISISKY.

H.R. 931: Ms. LOWEY and Mr. GUTIERREZ.

H.R. 940: Ms. BROWN of Florida, Mr. DELLUMS, Mr. KILDEE, Mr. MATSUI, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. SAWYER, Mr. SCOTT, Mr. THOMPSON, Ms. WOOLSEY, and Ms. VELAZQUEZ.

H.R. 945: Mr. SERRANO, Ms. LOFGREN, Mr. WELDON of Pennsylvania, Mr. HOLDEN, Mr. GEKAS, Mr. SAXTON, Mr. BASS, Mr. YATES, Mr. DUNCAN, Mr. POMBO, Mr. DORNAN, Mr. UNDERWOOD, Mr. ROBERTS, Mr. ACKERMAN, Mrs. MEEK of Florida, Ms. PELOSI, Mrs. MEYERS of Kansas, Mr. OXLEY, Ms. LOWEY, Mr. ENGEL, Mr. HUTCHINSON, Mr. BARRETT of Wisconsin, Mr. TIAHRT, Mr. ZIMMER, Mr. RIGGS, Mr. WHITFIELD, Mr. LAZIO of New York, Mr. BUYER, Mr. SCHUMER, Mr. FORBES, Mr. HERGER, Mr. TORRES, Mr. WELLER, Mr. WISE, Mr. FRISA, Mr. KANJORSKI, and Mr. EMERSON.

H.R. 966: Mr. BARRETT of Wisconsin, Mr. CONYERS, Mr. FAZIO of California, Ms. DANNER, Mr. HEINEMAN, Mr. MCCOLLUM, Ms. NORTON, and Mr. SANDERS.

H.R. 972: Mr. HEFNER.

H.R. 983: Mr. CLAY, Mr. MOAKLEY, Mr. FARR, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. SANDERS, Mr. YATES, Mr. TORRES, and Mrs. COLLINS of Illinois.

H.R. 1021: Mr. ANDREWS and Mr. STARK.

H.R. 1023: Mr. LANTOS, Mr. ANDREWS, Mr. DOYLE, and Mr. OBERSTAR.

H.R. 1024: Mr. GOODLATTE, Mr. GREENWOOD, Mr. BOEHNER, and Mr. DUNCAN.

H.R. 1043: Mrs. FOWLER.

H.R. 1045: Mr. BUYER and Mr. BURTON of Indiana.

H.R. 1066: Mr. TALENT.

H.R. 1073: Ms. LOFGREN, Mr. FARR, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. LAFALCE, and Mr. DURBIN.

H.R. 1074: Mr. FARR, Mr. GUTIERREZ, Mr. ACKERMAN, and Mr. LAFALCE.

H.R. 1079: Mr. DIAZ-BALART, Mr. SERRANO, Mrs. SEASTRAND, Mr. WOLF, Ms. LOWEY, Mr. RAHALL, Mr. HALL of Texas, Mr. HYDE, Mr. STUMP, Ms. BROWN of Florida, Mr. DORNAN, Mr. BLUTE, Mr. DICKS, Mrs. JOHNSON of Connecticut, and Mr. BILIRAKIS.

H.R. 1085: Mr. BUNN of Oregon and Mr. TRAFICANT.

H.R. 1090: Mr. BISHOP, Mr. FILNER, and Mr. SERRANO.

H.R. 1099: Mr. SAXTON, Mr. CRAPO, Mr. PAYNE of Virginia, Mr. MCCRERY, Mr. HERGER, Mr. LEWIS of Georgia, Mr. ENSIGN, and Ms. WOOLSEY.

H.R. 1103: Mr. FOGLIETTA.

H.R. 1114: Mr. GUNDERSON, Mr. ROYCE, Mr. DELAY, Mr. PETE GEREN of Texas, Ms. DUNN of Washington, Mr. BILBRAY, Mr. EHLERS, Mr. HILLIARD, Mr. ROHRABACHER, and Mr. LIVINGSTON.

H.R. 1118: Mr. HUNTER and Mr. NORWOOD.

H.R. 1119: Mr. ABERCROMBIE, Mr. KING, Mr. MARTINEZ, and Mr. JOHNSON of South Dakota.

H.R. 1120: Mr. COOLEY and Mrs. WALDHOLTZ.

H.R. 1136: Mr. ANDREWS, Mr. BECERRA, Mr. BISHOP, Mr. BORSKI, Mr. CLYBURN, Mr. ENGEL, Mr. FOGLIETTA, Mr. GUTIERREZ, Mr. MATSUI, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. PALLONE, Ms. RIVERS, Mr. SANDERS, Mr. SCOTT, Mr. SOLOMON, Mr. TOWNS, and Mr. WYNN.

H.R. 1143: Mr. SERRANO.

H.R. 1144: Mr. SERRANO.

H.R. 1145: Mr. SERRANO.

H.R. 1152: Mr. LIPINSKI, Mr. ACKERMAN, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Ms. KAPTUR, Ms. LOWEY, and Ms. FURSE.

H.R. 1160: Mr. BARRETT of Wisconsin.

H.R. 1172: Mr. TOWNS, Mr. HASTINGS of Washington, Mr. PICKETT, Mr. SCHIFF, and Mr. MANTON.

H.R. 1173: Mr. TIAHRT.

H.R. 1204: Mr. BOEHNER, Mr. SERRANO, Mr. FRANKS of New Jersey, Mr. PETE GEREN of Texas, Mr. RIVERS, Mr. EHLERS, Mr. WYDEN, and Mr. PAYNE of Virginia.

H.R. 1229: Mr. TORRICELLI, Mr. EVANS, Mr. BENTSEN, Mr. STUPAK, Mr. MARTINEZ, and Mr. DE LA GARZA.

H.R. 1243: Mr. BURTON of Indiana, Mr. FRANK of Massachusetts.

H.R. 1255: Mr. BARTLETT of Maryland, Mr. COOLEY, and Mr. MANZULLO.

H.R. 1259: Mr. THOMPSON.

H.R. 1264: Mrs. CLAYTON, Mr. FATTAH, and Mr. SERRANO.

H.R. 1274: Mr. VELAZQUEZ and Mr. MOORHEAD.

H.R. 1291: Mr. GOSS, Mr. UNDERWOOD, Mr. POSHARD, and Mr. ZIMMER.

H.R. 1318: Mr. NORWOOD.

H.R. 1328: Ms. MOLINARI and Mr. FATTAH.

H.R. 1331: Mrs. CLAYTON and Mr. SMITH of New Jersey.

H.R. 1362: Mr. KNOLLENBERG, Mr. METCALF, Mr. TAYLOR of North Carolina, Mr. LUCAS, Mr. MINGE, Mr. HAYWORTH, Mr. BARR, Mr. LINDER, Mrs. WALDHOLTZ, Mr. PICKETT, Mr. GALLEGLY, Mr. JONES, and Ms. FURSE.

H.R. 1385: Mr. HEFNER.

H.R. 1422: Mr. EVANS, Mr. STUPAK, Mr. HILLIARD, Ms. RIVERS, and Mr. SERRANO.

H.R. 1442: Mrs. KENNELLY and Mrs. SCHROEDER.

H.R. 1445: Mr. BONO, Mr. BARR, and Mr. FRANK of Massachusetts.

H.R. 1448: Mr. LEWIS of California, Mr. TRAFICANT, Mr. MARTINEZ, Mr. JEFFERSON,

Mr. MCHALE, Mr. PICKETT, Mr. SKELTON, Mr. ROHRABACHER, Mr. COX, Mr. LIVINGSTON, and Mr. YOUNG of Florida.

H.R. 1458: Mr. HEFNER.

H.R. 1460: Mr. KING, Ms. BROWN of Florida, Mr. HEFLEY, Mr. MCCOLLUM, Mr. MINGE, Mr. ROYCE, Mr. UNDERWOOD, and Mr. SCHUMER.

H.R. 1468: Mr. HEFNER.

H.R. 1482: Mr. HEFNER.

H.R. 1487: Mr. WELLER, Mr. METCALF, Mr. ROYCE, and Mr. BONO.

H.R. 1496: Mr. BARTON of Texas.

H.R. 1499: Mr. JACOBS, Mrs. SEASTRAND, Ms. KAPTUR, Mrs. MORELLA, Mr. STUPAK, Mr. CANADY, Mr. BARRETT of Wisconsin, Mr. UPTON, Ms. LOFGREN, and Mr. NEY.

H.R. 1500: Ms. DELAURO, Mr. DIXON, Ms. ESHOO, Mr. GORDON, Mr. KENNEDY of Massachusetts, and Mr. LIPINSKI.

H.R. 1512: Mrs. CHENOWETH.

H.R. 1516: Mr. MINGE and Mr. POSHARD.

H.R. 1522: Mr. STARK and Mr. LEWIS of Georgia.

H.R. 1523: Mr. STARK and Mr. LEWIS of Georgia.

H.R. 1524: Mr. STARK and Mr. LEWIS of Georgia.

H.R. 1525: Mr. STARK and Mr. LEWIS of Georgia.

H.R. 1533: Mr. BUYER, Mr. QUILLEN, Mr. SENSENBRENNER, Mr. GEKAS, Mr. GOODLATTE, Mr. FLANAGAN, Mr. FOLEY, Mr. HANCOCK, Mr. HILLEARY, Mrs. MYRICK, and Mr. DUNCAN.

H.R. 1547: Mr. OLVER.

H.R. 1555: Mr. DEUTSCH.

H.R. 1559: Mr. BROWN of California, Mr. FROST, Mr. KLECZKA, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SPRATT, and Mr. STARK.

H.R. 1560: Mr. CHAPMAN, Mr. FROST, Mr. DELLUMS, Mr. MOAKLEY, Mr. MURTHA, and Mr. SABO.

H.J. Res. 48: Mr. BARTON of Texas.

H.J. Res. 74: Mr. ROYCE and Mr. SOUDER.

H.J. Res. 79: Mr. HAMILTON, Mr. KANJORSKI, Mr. LEWIS of California, Mr. ROEMER, and Ms. ROS-LEHTINEN.

H. Con. Res. 21: Ms. LOWEY and Ms. LOFGREN.

H. Con. Res. 25: Mr. SHAYS.

H. Con. Res. 35: Mr. MANTON.

H. Con. Res. 42: Mr. HAMILTON, Mr. TRAFICANT, Mr. HASTINGS of Florida, Mr. KLINK, Mr. SISISKY, Mr. MEEHAN, Mrs. MORELLA, Mr. KENNEDY of Massachusetts, Mr. TORRES, and Mr. BROWN of Ohio.

H. Con. Res. 45: Mr. PASTOR, Mr. EVANS, Mr. ROMERO-BARCELÓ, Mr. CLINGER, and Mr. ACKERMAN.

H. Con. Res. 50: Mr. SISISKY, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. SCHUMER, and Mr. MEEHAN.

H. Con. Res. 54: Mr. KLINK.

H. Con. Res. 63: Mr. BARTON of Texas, Mr. SCHUMER, Mr. ZIMMER, and Mr. JONES.

H. Con. Res. 64: Mr. TRAFICANT.

H. Res. 122: Mr. DEFAZIO and Mr. SERRANO.

H. Res. 124: Mr. ANDREWS, Ms. MCKINNEY, and Mr. TORRES.

H. Res. 138: Mr. SHAYS, Mr. HERGER, Mr. SMITH of Texas, and Mr. LARGENT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 743: Mr. FATTAH.

H.J. Res. 87: Mr. SALMON.

PETITIONS, ETC.

Under clause 1 of rule XXII.

20. The SPEAKER presented a petition of the Alexandria City Council, Alexandria, VA, relative to welfare reform; which was referred to the Committee on Ways and Means.

AMENDMENTS

Undrr clause 6 of rule XXIII, proposed amendments were submitted as follow:

H.R. 961

OFFERED BY: MR. BACHUS

AMENDMENT NO. 1: Page 146, line 21, after the period insert the following:

At a minimum, the term 'small business' shall include a corporation, partnership, unincorporated business, and sole proprietorship employing 100 or fewer full time employees.

H.R. 961

OFFERED BY: MR. BACHUS

AMENDMENT NO. 2: Page 213, after line 5, insert the following:

SEC. 507. FEDERAL POWER ACT PART I PROJECTS.

Section 511(a) (33 U.S.C. 1371(a)) is amended by striking ''; or (3)'' and inserting the following: ''; (3) applying to hydropower projects within the jurisdiction of the Federal Energy Regulatory Commission or its successors under the authority of part I of the Federal Power Act (16 U.S.C. 791 et seq.); except that water quality certification, unless waived or denied, shall be issued for such projects under section 401 and the water quality conditions in those certifications shall become conditions on project licenses and except that any water quality certification conditions or denial issued under section 401 shall be limited to consideration of narrative and numeric water quality criteria adopted in water quality standards under section 303 and such conditions shall not regulate, or such denial be based on, water use or water quantities; or (4)''.

Renumber subsequent sections of the bill and conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 3: Page 239, strike line 3 and all that follows through line 22 on page 322 and insert the following:

TITLE VIII—WETLANDS CONSERVATION AND MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Wetlands and Watershed Management Act of 1995''.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

(1) Wetlands perform a number of valuable functions needed to restore and maintain the chemical, physical, and biological integrity of the Nation's waters, including—

(A) reducing pollutants (including nutrients, sediment, and toxics) from nonpoint and point sources;

(B) storing, conveying, and purifying flood and storm waters;

(C) reducing both bank erosion and wave and storm damage to adjacent lands and trapping sediment from upland sources;

(D) providing habitat and food sources for a broad range of commercial and recreational fish, shellfish, and migratory wildlife species (including waterfowl and endangered species); and

(E) providing a broad range of recreational values for canoeing, boating, birding, and nature study and observation.

(2) Original wetlands in the contiguous United States have been reduced by an estimated 50 percent and continue to disappear at a rate of 200,000 to 300,000 acres a year. Many of these original wetlands have also been altered or partially degraded, reducing their ecological value.

(3) Wetlands are highly sensitive to changes in water regimes and are, therefore, susceptible to degradation by fills, drainage, grading, water extractions, and other activities within their watersheds which affect the quantity, quality, and flow of surface and ground waters. Protection and management of wetlands, therefore, should be integrated with management of water systems on a watershed basis. A watershed protection and management perspective is also needed to understand and reverse the gradual, continued destruction of wetlands that occurs due to cumulative impacts.

(4) Wetlands constitute an estimated 5 percent of the Nation's surface area. Because much of this land is in private ownership wetlands protection and management strategies must take into consideration private property rights and the need for economic development and growth. This can be best accomplished in the context of a cooperative and coordinated Federal, State, and local strategy for data gathering, planning, management, and restoration with an emphasis on advance planning of wetlands in watershed contexts.

(b) PURPOSES.—The purposes of this Act are—

(1) to help create a coordinated national wetland management effort with efficient use of scarce Federal, State, and local financial and manpower resources to protect wetland functions and values and reduce natural hazard losses;

(2) to help reverse the trend of wetland loss in a fair, efficient, and cost-effective manner;

(3) to reduce inconsistencies and duplication in Federal, State, and local wetland management efforts and encourage integrated permitting at the Federal, State, and local levels;

(4) to increase technical assistance, cooperative training, and educational opportunities for States, local governments, and private landowners;

(5) to help integrate wetland protection and management with other water resource management programs on a watershed basis such as flood control, storm water management, allocation of water supply, protection of fish and wildlife, and point and nonpoint source pollution control;

(6) to increase regionalization of wetland delineation and management policies within a framework of national policies through advance planning of wetland areas, programmatic general permits and other approaches and the tailoring of policies to ecosystem and land use needs to reflect significant watershed variance in wetland resources;

(7) to address the cumulative loss of wetland resources;

(8) to increase the certainty and predictability of planning and regulatory policies for private landowners;

(9) to help achieve no overall net loss and net gain of the remaining wetland base of the United States through watershed-based restoration strategies involving all levels of government;

(10) to restore and create wetlands in order to increase the quality and quantity of the wetland resources and by so doing to restore and maintain the quality and quantity of the waters of the United States; and

(11) to provide mechanisms for joint State, Federal, and local development and testing of approaches to better protect wetland resources such as mitigation banking.

SEC. 803. STATE, LOCAL, AND LANDOWNER TECHNICAL ASSISTANCE AND COOPERATIVE TRAINING.

(a) STATE AND LOCAL TECHNICAL ASSISTANCE.—Upon request, the Administrator, or the Secretary of the Army, as appropriate, shall provide technical assistance to State and local governments in the development and implementation of State and local government permitting programs under sections

404(e) and 404(h) of the Federal Water Pollution Control Act, State wetland conservation plans under section 805, and regional or local wetland management plans under section 805.

(b) COOPERATIVE TRAINING.—The Administrator and the Secretary, in cooperation with the Coordinating Committee established pursuant to section 804, shall conduct training courses for States and local governments involving wetland delineation, utilization of wetlands in nonpoint pollution control, wetland and stream restoration, wetland planning, wetland evaluation, mitigation banking, and other subjects deemed appropriate by the Administrator or Secretary.

(c) PRIVATE LANDOWNER TECHNICAL ASSISTANCE.—The Administrator and Secretary shall, in cooperation with the Coordination Committee, and appropriate Federal agencies develop and provide to private landowners guidebooks, pamphlets, or other materials and technical assistance to help them in identifying and evaluating wetlands, developing integrated wetland management plans for their lands consistent with the goals of this Act and the Federal Water Pollution Control Act, and restoring wetlands.

SEC. 804. FEDERAL, STATE, AND LOCAL GOVERNMENT COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a Federal, State, and Local Government Wetlands Coordinating Committee (hereinafter in this section referred to as the ''Committee'').

(b) FUNCTIONS.—The Committee shall—

(1) help coordinate Federal, State, and local wetland planning, regulatory, and restoration programs on an ongoing basis to reduce duplication, resolve potential conflicts, and efficiently allocate manpower and resources at all levels of government;

(2) provide comments to the Secretary of the Army or Administrator in adopting regulatory, policy, program, or technical guidance affecting wetland systems;

(3) help develop and field test, national policies prior to implementation such as wetland, delineation, classification of wetlands, methods for sequencing wetland mitigation responses, the utilization of mitigation banks;

(4) help develop and carry out joint technical assistance and cooperative training programs as provided in section 803;

(5) help develop criteria and implementation strategies for facilitating State conservation plans and strategies, local and regional wetland planning, wetland restoration and creation, and State and local permitting programs pursuant to section 404(e) or 404(g) of the Federal Water Pollution Control Act; and

(6) help develop a national strategy for the restoration of wetland ecosystems pursuant to section 6 of this Act.

(c) MEMBERSHIP.—The Committee shall be composed of 18 members as follows:

(1) The Administrator or the designee of the Administrator.

(2) The Secretary or the designee of the Secretary.

(3) The Director of the United States Fish and Wildlife Service or the designee of the Director.

(4) The Chief of the Natural Resources Conservation Service or the designee of the Chief.

(5) The Undersecretary for Oceans and Atmosphere or the designee of the Under Secretary.

(6) One individual appointed by the Administrator who will represent the National Governor's Association.

(7) One individual appointed by the Administrator who will represent the National Association of Counties.

(8) One individual appointed by the Administrator who will represent the National League of Cities.

(9) One State wetland expert from each of the 10 regions of the Environmental Protection Agency. Each member to be appointed under this paragraph shall be jointly appointed by the Governors of the States within the Environmental Protection Agency's region. If the Governors from a region cannot agree on such a representative, they will each submit a nomination to the Administrator and the Administrator will select a representative from such region.

(d) TERMS.—Each member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) shall be appointed for a term of 2 years.

(e) VACANCIES.—A vacancy in the Committee shall be filled, on or before the 30th day after the vacancy occurs, in the manner in which the original appointment was made.

(f) PAY.—Members shall serve without pay, but may receive travel expenses (including per diem in lieu of subsistence) in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) COCHAIRPERSONS.—The Administrator and one member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) (selected by such members) shall serve as cochairpersons of the Committee.

(h) QUORUM.—Two-thirds of the members of the Committee shall constitute a quorum but a lesser number may hold meetings.

(i) MEETINGS.—The Committee shall hold its first meeting not later than 120 days after the date of the enactment of this Act. The Committee shall meet at least twice each year thereafter. Meetings will be opened to the public.

SEC. 805. STATE AND LOCAL WETLAND CONSERVATION PLANS AND STRATEGIES; GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.

(a) STATE WETLAND CONSERVATION PLANS AND STRATEGIES.—Subject to the requirements of this section, the Administrator shall make grants to States and tribes to assist in the development and implementation of wetland conservation plans and strategies. More specific goals for such conservation plans and strategies may include:

(1) Inventorying State wetland resources, identifying individual and cumulative losses, identifying State and local programs applying to wetland resources, determining gaps in such programs, and making recommendations for filling those gaps.

(2) Developing and coordinating existing State, local, and regional programs for wetland management and protection on a watershed basis.

(3) Increasing the consistency of Federal, State, and local wetland definitions, delineation, and permitting approaches.

(4) Mapping and characterizing wetland resources on a watershed basis.

(5) Identifying sites with wetland restoration or creation potential.

(6) Establishing management strategies for reducing causes of wetland degradation and restoring wetlands on a watershed basis.

(7) Assisting regional and local governments prepare watershed plans for areas with a high percentage of lands classified as wetlands or otherwise in need of special management.

(8) Establishing and implementing State or local permitting programs under section 404(e) or 404(h) of the Federal Water Pollution Control Act.

(b) REGIONAL AND LOCAL WETLAND PLANNING, REGULATION, AND MANAGEMENT PROGRAMS.—Subject to the requirements of this section, the Administrator shall make grants to States which will, in turn, use this funding to make grants to regional and local governments to assist them in adopting and implementing wetland and watershed management programs consistent with goals stated in section 101 of the Federal Water Pollution Control Act and section 802 of this Act. Such plans shall be integrated with (where appropriate) or coordinated with planning efforts pursuant to section 319 of the Federal Water Pollution Control Act. Such programs shall, at a minimum, involve the inventory of wetland resources and the adoption of plans and policies to help achieve the goal of no net loss of wetland resources on a watershed basis. Other goals may include, but are not limited to:

(1) Integration of wetland planning and management with broader water resource and land use planning and management, including flood control, water supply, storm water management, and control of point and nonpoint source pollution.

(2) Adoption of measures to increase consistency in Federal, State, and local wetland definitions, delineation, and permitting approaches.

(3) Establishment of management strategies for restoring wetlands on a watershed basis.

(c) GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.—Subject to the requirements of this section, the Administrator may make grants to States which assist the Federal Government in the implementation of the section 404 Federal Water Pollution Control program through State assumption of permitting pursuant to sections 404(g) and 404(h) of such Act through State permitting through a State programmatic general permit pursuant to section 404(e) of such Act or through monitoring and enforcement activities. In order to be eligible to receive a grant under this section a State shall provide assurances satisfactory to the Administrator that amounts received by the State in grants under this section will be used to issue regulatory permits or to enforce regulations consistent with the overall goals of section 802 and the standards and procedures of section 404(g) or 404(e) of this Act.

(d) MAXIMUM AMOUNT.—No State may receive more than $500,000 in total grants under subsections (a), (b), and (c) in any fiscal year and more than $300,000 in grants for subsection (a), (b), or (c), individually.

(e) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts made available in grants under this section shall not exceed 75 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

SEC. 806. NATIONAL COOPERATIVE WETLAND ECOSYSTEM RESTORATION STRATEGY.

(a) DEVELOPMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in cooperation with other Federal agencies, State, and local governments, and representatives of the private sector, shall initiate the development of a National Cooperative Wetland Ecosystem Restoration Strategy.

(b) GOALS.—The goal of the National Cooperative Wetland Ecosystem Restoration Strategy shall be to restore damaged and degraded wetland and riparian ecosystems consistent with the goals of the Water Pollution Control Amendments and the goals of section 802, and the recommendations of the National Academy of Sciences with regard to the restoration of aquatic ecosystems.

(c) FUNCTIONS.—The National Cooperative Wetland Ecosystem Restoration Strategy shall—

(1) be designed to help coordinate and promote restoration efforts by Federal, State, regional, and local governments and the private sector, including efforts authorized by the Coastal Wetlands Planning, Protection, and Restoration Act, the North American Waterfowl Management Plan, the Wetlands Reserve Program, and the wetland restoration efforts on Federal, State, local, and private lands;

(2) involve the Federal, State, and local Wetlands Coordination Committee established pursuant to section 804;

(3) inventory and evaluate existing restoration efforts and make suggestions for the establishment of new watershed specific efforts consistent with existing Federal programs and State, regional, and local wetland protection and management efforts;

(4) evaluate the role presently being played by wetland restoration in both regulatory and nonregulatory contexts and the relative success of wetland restoration in these contexts;

(5) develop criteria for identifying wetland restoration sites on a watershed basis, procedures for wetlands restoration, and ecological criteria for wetlands restoration; and

(6) identify regulatory obstacles to wetlands ecosystem restoration and recommend methods to reduce such obstacles.

SEC. 807. PERMITS FOR DISCHARGE OF DREDGED OR FILL MATERIAL.

(a) Section 404(a) (33 U.S.C. 1344) is amended by adding at the end thereof the following: ''The Secretary shall, in cooperation with the Administrator, establish a permit monitoring and tracking programs on a watershed basis to monitor the cumulative impact of individual and general permits issued under this section. This program shall determine the impact of permitted activities in relationship to the no net loss goal. Results shall be reported biannually to Congress.''.

(b) Paragraph (1) of section 404(e) is amended by inserting ''local,'' before ''State, regional, or nationwide basis'' in the first sentence.

(c) Paragraph (2) of section 404(e) is amended by striking the period at the end and inserting ''or a State or local government has failed to adequately monitor and control the individual and cumulative adverse effects of activities authorized by State or local programmatic general permits.''.

(d) Section 404(e) is amended by adding at the end thereof the following new paragraph:

''(3) Consistent with the following requirements, the Secretary may, after notice and opportunity for public comment, issue State or local programmatic general permits for the purpose of avoiding unnecessary duplication of regulations by State, regional, and local regulatory programs:

''(A) The Secretary may issue a programmatic general permit based on a State, regional, or local government regulatory program if that general permit includes adequate safeguards to ensure that the State, regional, or local program will have no more than minimal cumulative impacts on the environment and will provide at least the same degree of protection for the environment, including all waters of the United States, and for Federal interests, as is provided by this section and by the Federal permitting program pursuant to section 404(a). Such safeguards shall include provisions whereby the Corps District Engineer and the Regional Administrators or Directors of the Environmental Protection Agency, the United States Fish and Wildlife Service, and the National Marine Fisheries Service (where appropriate), shall have an opportunity to review permit applications submitted to the State, regional, or local regulatory agency which would have more than minimal individual or cumulative adverse impacts on the environment, attempt to resolve any environmental concern or protect any Federal interest at issue, and, if such concern is not adequately addressed by the State, local, or regional agency, require the processing of an individual Federal permit under this section for the specific proposed activity. The Secretary shall ensure that the District Engineer will utilize this authority to protect all Federal interests including, but not limited to, national security, navigation, flood control, Federal endangered or threatened species, Federal interests under the Wild and Scenic Rivers Act, special aquatic sites of national importance, and other interests of overriding national importance. Any programmatic general permit issued under this subsection shall be consistent with the guidelines promulgated to implement subsection (b)(1).

''(B) In addition to the requirements of subparagraph (A), the Secretary shall not promulgate any local or regional programmatic general permit based on a local or regional government's regulatory program unless the responsible unit of government has also adopted a wetland and watershed management plan and is administering regulations to implement this plan. The watershed management plan shall include—

''(i) the designation of a local or regional regulatory agency which shall be responsible for issuing permits under the plan and for making reports every 2 years on implementation of the plan and on the losses and gains in functions and acres of wetland within the watershed plan area;

''(ii) mapping of—

''(I) the boundary of the plan area;

''(II) all wetlands and waters within the plan area as well as other areas proposed for protection under the plan; and

''(III) proposed wetland restoration or creation sites with a description of their intended functions upon completion and the time required for completion;

''(iii) a description of the regulatory policies and standards applicable to all wetlands and waters within the plan areas and all activities which may affect these wetlands and waters that will assure, at a minimum, no net loss of the functions and acres of wetlands within the plan area; and

''(iv) demonstration that the regulatory agency has the legal authority and scientific monitoring capability to carry out the proposed plan including the issuance, monitoring, and enforcement of permits in compliance with the plan.''.

(e) Section 404(f) is amended by adding the following:

''(3)(A) For purposes of this section, the following shall not be considered navigable waters:

''(i) Irrigation ditches excavated in uplands.

''(ii) Artificially irrigated areas which would revert to uplands if the irrigation ceased.

''(iii) Artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and which are used exclusively for stock watering, irrigation, or rice growing.

''(iv) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking uplands to retain water for primarily aesthetic reasons.

''(v) Temporary, water filled depressions created in uplands incidental to construction activity.

''(vi) Pits excavated in uplands for the purpose of obtaining fill, sand, gravel, aggregates, or minerals, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.

''(vii) Artificial stormwater detention areas and artificial sewage treatment areas which are not modified natural waters.

''(B) Subparagraph (A) shall not apply to a particular water body unless the person desiring to conduct an activity in that water body is able to demonstrate that the water body qualifies under subparagraph (A) for exemption from regulation under this section.''.

SEC. 808. TECHNICAL ASSISTANCE TO PRIVATE LANDOWNERS, CODIFICATION OF REGULATIONS AND POLICIES.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(u)(1) The Secretary and the Administrator shall in cooperation with the United States Fish and Wildlife Service, Natural Resources Conservation Service, and National Marine Fisheries Service provide technical assistance to private landowners in delineation of wetlands and the planning and management of their wetlands. This assistance shall include—

''(A) the delineation of wetland boundaries within 90 days (providing on the ground conditions allow) of a request for such delineation for a project with a proposed individual permit application under this section and a total assessed value of less than $15,000; and

''(B) the provision of technical assistance to owners of wetlands in the preparation of wetland management plans for their lands to protect and restore wetlands and meet other goals of this Act, including control of nonpoint and point sources of pollution, prevention and reduction of erosion, and protection of estuaries and lakes.

''(2) The Secretary shall prepare, update on a biannual basis, and make available to the public for purchase at cost, an indexed publication containing all Federal regulations, general permits, and regulatory guidance letters relevant to the permitting of activities in wetland areas pursuant to section 404(a). The Secretary and the Administrator shall also prepare and distribute brochures and pamphlets for the public addressing—

''(A) the delineation of wetlands,

''(B) wetland permitting requirements; and

''(C) wetland restoration and other matters considered relevant.''.

SEC. 809. DELINEATION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(v) The United States Army Corps of Engineers, the United States Environmental Protection Agency, and other Federal agencies shall use the 1987 Corps of Engineers Manual for the Delineation of Jurisdictional Wetlands pursuant to this section until a new manual has been prepared and formally adopted by the Corps and the Environmental Protection Agency with input from the United States Fish and Wildlife Service, Natural Resources, Natural Resources Conservation Service, and other relevant agencies and adopted after field testing, hearing, and public comment. Any new manual shall take into account the conclusions of the National Academy of Sciences panel concerning the delineation of wetlands. The Corps in cooperation with the Environmental Protection Agency shall develop materials and conduct training courses for consultants, State, and local governments, and landowners explaining the use of the corps 1987 wetland manual in the delineation of wetland areas. The Corps in cooperation with the Environmental Protection Agency may also, in cooperation with the States, develop supplemental criteria and procedures for identification of regional wetland types. Such criteria and procedures may include supplemental plant and soil lists and supplementary technical criteria pertaining to wetland hydrology, soils, and vegetation.''.

SEC. 810. FAST TRACK FOR MINOR PERMITS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(w)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall issue regulations to explore the review and practice of individual permits for minor activities. Minor activities include activities of 1 acre or less in size which also have minor direct, secondary, or cumulative impacts.

''(2) Permit applications for minor permits shall ordinarily be processed within 60 days of the receipt of completed application.

''(3) The Secretary shall establish fast-track field teams or other procedures in the individual offices sufficient to expedite the processing of the individual permits involving minor activities.''.

SEC. 811. COMPENSATORY MITIGATION.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(x) GENERAL REQUIREMENTS.—(1) Each permit issued under this section that results in loss of wetland functions or acreage shall require compensatory mitigation. The preferred sequence of mitigation options is as set forth in subparagraph (A) and (C). However, the Secretary shall have sufficient flexibility to approve practical options that provide the most protection to the resource—

''(A) measures shall first be undertaken by the permittee to avoid any adverse effects on wetlands caused by activities authorized by the permit.

''(B) measures shall be undertaken by the permittee to minimize any such adverse effects that cannot be avoided;

''(C) measures shall then be undertaken by the permittee to compensate for adverse impacts on wetland functions, values, and acreage;

''(D) where compensatory mitigation is used, preference shall be given to in-kind restoration on the same water body and within the same local watershed;

''(E) where on-site and in-kind compensatory mitigation are impossible, impractical, would fail to work in the circumstances, or would not make ecological sense, off-site and/or out-of-kind compensatory mitigation may be permitted within the watershed including participation in cooperative mitigation ventures or mitigation banks as provided in section 404(y).

''(2) The Secretary in consultation with the Administrator shall ensure that compensable mitigation by a permitee—

''(A) is a specific, enforceable condition of the permit for which it is required;

''(B) will meet defined success criteria; and

''(C) is monitored to ensure compliance with the conditions of the permit and to determine the effectiveness of the mitigation in compensating for the adverse effects for which it is required.''.

SEC. 812. COOPERATIVE MITIGATION VENTURES AND MITIGATION BANKS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(y)(1) Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly issue rules for a system of cooperative mitigation ventures and wetland banks. Such rules shall, at the minimum, address the following topics:

''(A) Mitigation banks and cooperative ventures may be used on a watershed basis to compensate for unavoidable wetland losses which cannot be compensated on-site due to inadequate hydrologic conditions, excessive sedimentation, water pollution, or other problems. Mitigation banks and cooperative ventures may also be used to improve the potential success of compensatory mitigation through the use of larger projects, by locating projects in areas in more favorable short-term and long-term hydrology and proximity to other wetlands and waters, and by helping to ensure short-term and long-term project protection, monitoring, and maintenance.

''(B) Parties who may establish mitigation banks and cooperative mitigation ventures for use in specific context and for particular types of wetlands may include government agencies, nonprofits, and private individuals.

''(C) Surveys and inventories on a watershed basis of potential mitigation sites throughout a region or State shall ordinarily be required prior to the establishment of mitigation banks and cooperative ventures pursuant to this section.

''(D) Mitigation banks and cooperative mitigation ventures shall be used in a manner consistent with the sequencing requirements to mitigate unavoidable wetland impacts. Impacts should be mitigated within the watershed and water body if possible with on-site mitigation preferable as set forth in section 404(x).

''(E) The long-term security of ownership interests of wetlands and uplands on which projects are conducted shall be insured to protect the wetlands values associated with those wetlands and uplands;

''(F) Methods shall be specified to determine debits by evaluating wetland functions, values, and acreages at the sites of proposed permits for discharges or alternations pursuant to subsections (a), (c), and (g) and methods to be used to determine credits based upon functions, values, and acreages at the times of mitigation banks and cooperative mitigation ventures.

''(G) Geographic restrictions on the use of banks and cooperative mitigation ventures shall be specified. In general, mitigation banks or cooperative ventures shall be located on the same water body as impacted wetlands. If this is not possible or practical, banks or ventures shall be located as near as possible to impacted projects with preference given to the same watershed where the impact is occurring.

''(H) Compensation ratios for restoration, creation, enhancement, and preservation reflecting and overall goal of no net loss of function and the status of scientific knowledge with regard to compensation for individual wetlands, risks, costs, and other relevant factors shall be specified. A minimum restoration compensation ratio of 1:1 shall be required for restoration of lost acreage with larger compensation ratios for wetland creation, enhancement and preservation.

''(I) Fees to be charged for participation in a bank or cooperative mitigation venture shall be based upon the costs of replacing lost functions and acreage on-site and off-site; the risks of project failure, the costs of long-term maintenance, monitoring, and protection, and other relevant factors.

''(J) Responsibilities for long-term monitoring, maintenance, and protection shall be specified.

''(K) Public review of proposals for mitigation banks and cooperative mitigation ventures through one or more public hearings shall be provided.

''(2) The Secretary, in consultation with the Administrator, is authorized to establish and implement a demonstration program for creating and implementing mitigation banks and cooperative ventures and for evaluating alternative approaches for mitigation banks and cooperative mitigation ventures as a means of contributing to the goals established by section 101(a)(8) or section 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403). The Secretary shall also monitor and evaluate existing banks and cooperative ventures and establish a number of such banks and cooperative ventures to test and demonstrate:

''(A) The technical feasibility of compensation for lost on-site values through off-site cooperative mitigation ventures and mitigation banks.

''(B) Techniques for evaluating lost wetland functions and values at sites for which permits are sought pursuant to section 404(a) and techniques for determining appropriate credits and debits at the sites of cooperative mitigation ventures and mitigation banks.

''(C) The adequacy of alternative institutional arrangements for establishing and administering mitigation banks and cooperative mitigation ventures.

''(D) The appropriate geographical locations of bank or cooperative mitigation ventures in compensation for lost functions and values.

''(E) Mechanisms for ensuring short-term and long-term project monitoring and maintenance.

''(F) Techniques and incentives for involving private individuals in establishing and implementing mitigation banks and cooperative mitigation ventures.

Not later than 3 years after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report evaluating mitigation banks and cooperative ventures. The Secretary shall also, within this time period, prepare educational materials and conduct training programs with regard to the use of mitigation banks and cooperative ventures.''.

SEC. 813. WETLANDS MONITORING AND RESEARCH.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(z) The Secretary, in cooperation with the Administrator, the Director of the United States Fish and Wildlife Service, and appropriate State and local government entities, shall initiate, with opportunity for public notice and comment, a research program of wetlands and watershed management. The purposes of the research program shall include, but not be limited—

''(1) to study the functions, values and management needs of altered, artificial, and managed wetland systems including lands that were converted to production of commodity crops prior to December 23, 1985, and report to Congress within 2 years of the date of the enactment of this subsection;

''(2) to study techniques for managing and restoring wetlands within a watershed context;

''(3) to study techniques for better coordinating and integrating wetland, floodplain, stormwater, point and nonpoint source pollution controls, and water supply planning and plan implementation on a watershed basis at all levels of government; and

''(4) to establish a national wetland regulatory tracking program on a watershed basis.

This program shall track the individual and cumulative impact of permits issued pursuant to section 404(a), 404(e), and 404(h) in terms of types of permits issued, conditions, and approvals. The tracking program shall also include mitigation required in terms of the amount required, types required, and compliance.''.

SEC. 814. DEFINITIONS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(28) The term 'wetland' means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

''(29) The term 'discharge of dredged or fill material' means the act of discharging and any related act of filling, grading, draining, dredging, excavation, channelization, flooding, clearing of vegetation, driving of piling or placement of other obstructions, diversion of water, or other activities in navigable waters which impair the flow, reach, or circulation of surface water, or which result in a more than minimal change in the hydrologic regime, bottom contour, or configuration of such waters, or in the type, distribution, or diversity of vegetation in such waters.

''(30) The term 'mitigation bank' shall mean wetland restoration, creation, or enhancement projects undertaken primarily for the purpose of providing mitigation compensation credits for wetland losses from future activities. Often these activities will be, as yet, undefined.

''(31) The term 'cooperative mitigation ventures' shall mean wetland restoration, creation, or enhancement projects undertaken jointly by several parties (such as private, public, and nonprofit parties) with the primary goal of providing compensation for wetland losses from existing or specific proposed activities. Some compensation credits may also be provided for future as yet undefined activities. Most cooperative mitigation ventures will involve at least one private and one public cooperating party.''.

Conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 4: Page 115, strike line 5 and all that follows through line 3 on page 117 and insert the following:

(n) COASTAL ZONE MANAGEMENT.—Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''(A)'' after ''PROGRAM DEVELOPMENT.—''; and

(B) by adding at the end the following:

''(B) A State that has not received Federal approval for the State's core coastal management program pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) shall have 30 months from the date of approval of such program to submit a Coastal Nonpoint Pollution Program pursuant to this section. Any such State shall also be eligible for any extension of time for submittal of the State's nonpoint program that may be received by a State with a federally approved coastal management program.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''to protect coastal waters generally'' and inserting ''to restore and protect coastal waters where the State has determined that coastal waters are threatened or significantly degraded'';

(3) in subsection (b)(3)—

(A) by striking ''The implementation'' and inserting ''A schedule for the implementation''; and

(B) by inserting '', and no less often than once every 5 years,'' after ''from time to time'';

(4) in subsection (b) by adding at the end the following:

''(7) IDENTIFICATION OF PRIORITY AREAS.—A prioritization of the areas in the State in which management measures will be implemented.'';

(5) in subsection (c) by adding at the end the following:

''(5) CONDITIONAL APPROVAL.—The Secretary and Administrator may grant conditional approval to a State's program where the State requests additional time to complete the development of its program. During the period during which the State's program is subject to conditional approval, the penalty provisions of paragraphs (3) and (4) shall not apply.'';

(6) in subsection (h)(1) by striking '', 1993, and 1994'' and inserting ''through 2000''; and

(7) in subsection (h)(2)(B)(iv) by striking ''fiscal year 1995'' and inserting ''each of fiscal years 1995 through 2000''.

H.R. 961

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 5: Page 133, strike line 15 and all that follows through line 9 on page 170 and insert the following:

SEC. 322. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

(a) DEADLINES.—Section 402(p) (33 U.S.C. 1343(p)) is amended—

(1) in paragraph (1) by striking ''1994'' and inserting ''2005''; and

(2) in paragraph (6) by striking ''1993'' and inserting ''2005''.

(b) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Section 402(p)(3) is amended by adding at the end of the following:

''(C) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Permits for municipal separate storm sewers shall not include numeric effluent limitations.''.

Conform the table of contents of the bill accordingly.

H.R. 961

(Amendment in the Nature of a Substitute)

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 6: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Water Amendments of 1995''.

(b) TABLE OF CONTENTS.—

SEC. 2. DEFINITION.

In this Act, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

SEC. 3. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251–1387).

TITLE I—RESEARCH AND RELATED PROGRAMS

SEC. 101. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) NATIONAL PROGRAMS.—Section 104(a) (33 U.S.C. 1254(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) in cooperation with appropriate Federal, State, and local agencies, conduct, promote, and encourage to the maximum extent feasible, in watersheds that may be significantly affected by nonpoint sources of pollution, monitoring and measurement of water quality by means and methods that will help to identify the relative contributions of particular nonpoint sources.''.

(b) GRANTS TO LOCAL GOVERNMENTS.—Section 104(b)(3) (33 U.S.C. 1254(b)(3)) is amended by inserting ''local governments,'' after ''interstate agencies,''.

(c) TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(8) make grants to nonprofit organizations to provide technical assistance and training to rural and small publicly owned treatment works to enable such treatment works to achieve and maintain compliance with the requirements of this Act; and

''(9) disseminate information to rural, small, and disadvantaged communities with respect to the planning, design, construction, and operation of treatment works.''.

(d) WASTEWATER TREATMENT IN IMPOVERISHED COMMUNITIES.—Section 104(q) (33 U.S.C. 1254(q)) is amended by adding at the end the following:

''(5) SMALL IMPOVERISHED COMMUNITIES.—

''(A) GRANTS.—The Administrator may make grants to States to provide assistance for planning, design, and construction of publicly owned treatment works to provide wastewater services to rural communities of 3,000 or less that are not currently served by any sewage collection or water treatment system and are severely economically disadvantaged, as determined by the Administrator.

''(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $50,000,000 per fiscal year for fiscal years 1996 through 2000.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking ''and'' before ''(6)''; and

(2) by inserting before the period at the end the following: ''; and (7) not to exceed $50,000,000 per fiscal year for each of fiscal years 1996 through 2000 for carrying out the provisions of subsections (b)(3), (b)(8), and (b)(9), except that not less than 20 percent of the sums appropriated pursuant to this clause shall be available for carrying out the provisions of subsections (b)(8) and (b)(9)''.

SEC. 102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking ''and'' before ''$75,000,000'';

(2) by inserting after ''1990'' the following: '', such sums as may be necessary for each of fiscal years 1991 through 1995, and $150,000,000 per fiscal year for each of fiscal years 1996 through 2000''; and

(3) by adding at the end the following: ''States or interstate agencies receiving grants under this section may use such funds to finance, with other States or interstate agencies, studies and projects on interstate issues relating to such programs.''.

SEC. 103. MINE WATER POLLUTION CONTROL.

Section 107 (33 U.S.C. 1257) is amended to read as follows:

''SEC. 107. MINE WATER POLLUTION CONTROL.

''(a) ACIDIC AND OTHER TOXIC MINE DRAINAGE.—The Administrator shall establish a program to demonstrate the efficacy of measures for abatement of the causes and treatment of the effects of acidic and other toxic mine drainage within qualified hydrologic units affected by past coal mining practices for the purpose of restoring the biological integrity of waters within such units.

''(b) GRANTS.—

''(1) IN GENERAL.—Any State or Indian tribe may apply to the Administrator for a grant for any project which provides for abatement of the causes or treatment of the effects of acidic or other toxic mine drainage within a qualified hydrologic unit affected by past coal mining practices.

''(2) APPLICATION REQUIREMENTS.—An application submitted to the Administrator under this section shall include each of the following:

''(A) An identification of the qualified hydrologic unit.

''(B) A description of the extent to which acidic or other toxic mine drainage is affecting the water quality and biological resources within the hydrologic unit.

''(C) An identification of the sources of acidic or other toxic mine drainage within the hydrologic unit.

''(D) An identification of the project and the measures proposed to be undertaken to abate the causes or treat the effects of acidic or other toxic mine drainage within the hydrologic unit.

''(E) The cost of undertaking the proposed abatement or treatment measures.

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of a project receiving grant assistance under this section shall be 50 percent.

''(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Contributions of lands, easements, and rights-of-way shall be credited toward the non-Federal share of the cost of a project under this section but not in an amount exceeding 25 percent of the total project cost.

''(3) OPERATION AND MAINTENANCE.—The non-Federal interest shall bear 100 percent of the cost of operation and maintenance of a project under this section.

''(d) PROHIBITED PROJECTS.—No acidic or other toxic mine drainage abatement or treatment project may receive assistance under this section if the project would adversely affect the free-flowing characteristics of any river segment within a qualified hydrologic unit.

''(e) APPLICATIONS FROM FEDERAL ENTITIES.—Any Federal entity may apply to the Administrator for a grant under this section for the purposes of an acidic or toxic mine drainage abatement or treatment project within a qualified hydrologic unit located on lands and waters under the administrative jurisdiction of such entity.

''(f) APPROVAL.—The Administrator shall approve an application submitted pursuant to subsection (b) or (e) after determining that the application meets the requirements of this section.

''(g) QUALIFIED HYDROLOGIC UNIT DEFINED.—For purposes of this section, the term 'qualified hydrologic unit' means a hydrologic unit—

''(1) in which the water quality has been significantly affected by acidic or other toxic mine drainage from past coal mining practices in a manner which adversely impacts biological resources; and

''(2) which contains lands and waters eligible for assistance under title IV of the Surface Mining and Reclamation Act of 1977.''.

SEC. 104. WATER SANITATION IN RURAL AND NATIVE ALASKA VILLAGES.

(a) IN GENERAL.—Section 113 (33 U.S.C. 1263) is amended by striking the section heading and designation and subsections (a) through (f) and inserting the following:

''SEC. 113. ALASKA VILLAGE PROJECTS AND PROGRAMS.

''(a) GRANTS.—The Administrator is authorized to make grants—

''(1) for the development and construction of facilities which provide sanitation services for rural and Native Alaska villages;

''(2) for training, technical assistance, and educational programs relating to operation and maintenance for sanitation services in rural and Native Alaska villages; and

''(3) for reasonable costs of administering and managing grants made and programs and projects carried out under this section; except that not to exceed 4 percent of the amount of any grant made under this section may be made for such costs.

''(b) FEDERAL SHARE.—A grant under this section shall be 50 percent of the cost of the program or project being carried out with such grant.

''(c) SPECIAL RULE.—The Administrator shall award grants under this section for project construction following the rules specified in subpart H of part 1942 of title 7 of the Code of Federal Regulations.

''(d) GRANTS TO STATE FOR BENEFIT OF VILLAGES.—Grants under this section may be made to the State for the benefit of rural Alaska villages and Alaska Native villages.

''(e) COORDINATION.—In carrying out activities under this subsection, the Administrator is directed to coordinate efforts between the State of Alaska, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of the Interior, the Secretary of Agriculture, and the recipients of grants.

''(f) FUNDING.—There is authorized to be appropriated $25,000,000 for fiscal years beginning after September 30, 1995, to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 113(g) is amended by inserting after ''(g)'' the following: ''DEFINITIONS.—''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS FOR CHESAPEAKE PROGRAM.

Section 117(d) (33 U.S.C. 1267(d)) is amended—

(1) in paragraph (1), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $3,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''; and

(2) in paragraph (2), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $18,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''.

SEC. 106. GREAT LAKES MANAGEMENT.

(a) GREAT LAKES RESEARCH COUNCIL.—

(1) IN GENERAL.—Section 118 (33 U.S.C. 1268) is amended—

(A) in subsection (a)(3)—

(i) by striking subparagraph (E) and inserting the following:

''(E) 'Council' means the Great Lakes Research Council established by subsection (d)(1);'';

(ii) by striking ''and'' at the end of subparagraph (I);

(iii) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

(iv) by adding at the end the following:

''(K) 'Great Lakes research' means the application of scientific or engineering expertise to explain, understand, and predict a physical, chemical, biological, or socioeconomic process, or the interaction of 1 or more of the processes, in the Great Lakes ecosystem.'';

(B) by striking subsection (d) and inserting the following:

''(d) GREAT LAKES RESEARCH COUNCIL.—

''(1) ESTABLISHMENT OF COUNCIL.—There is established a Great Lakes Research Council.

''(2) DUTIES OF COUNCIL.—The Council—

''(A) shall advise and promote the coordination of Federal Great Lakes research activities to avoid unnecessary duplication and ensure greater effectiveness in achieving protection of the Great Lakes ecosystem through the goals of the Great Lakes Water Quality Agreement;

''(B) not later than 1 year after the date of the enactment of this subparagraph and biennially thereafter and after providing opportunity for public review and comment, shall prepare and provide to interested parties a document that includes—

''(i) an assessment of the Great Lakes research activities needed to fulfill the goals of the Great Lakes Water Quality Agreement;

''(ii) an assessment of Federal expertise and capabilities in the activities needed to fulfill the goals of the Great Lakes Water Quality Agreement, including an inventory of Federal Great Lakes research programs, projects, facilities, and personnel; and

''(iii) recommendations for long-term and short-term priorities for Federal Great Lakes research, based on a comparison of the assessments conducted under clauses (i) and (ii);

''(C) shall identify topics for and participate in meetings, workshops, symposia, and conferences on Great Lakes research issues;

''(D) shall make recommendations for the uniform collection of data for enhancing Great Lakes research and management protocols relating to the Great Lakes ecosystem;

''(E) shall advise and cooperate in—

''(i) improving the compatible integration of multimedia data concerning the Great Lakes ecosystem; and

''(ii) any effort to establish a comprehensive multimedia data base for the Great Lakes ecosystem; and

''(F) shall ensure that the results, findings, and information regarding Great Lakes research programs conducted or sponsored by the Federal Government are disseminated in a timely manner, and in useful forms, to interested persons, using to the maximum extent practicable mechanisms in existence on the date of the dissemination, such as the Great Lakes Research Inventory prepared by the International Joint Commission.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of 1 research manager with extensive knowledge of, and scientific expertise and experience in, the Great Lakes ecosystem from each of the following agencies and instrumentalities:

''(i) The Agency.

''(ii) The National Oceanic and Atmospheric Administration.

''(iii) The National Biological Service.

''(iv) The United States Fish and Wildlife Service.

''(v) Any other Federal agency or instrumentality that expends $1,000,000 or more for a fiscal year on Great Lakes research.

''(vi) Any other Federal agency or instrumentality that a majority of the Council membership determines should be represented on the Council.

''(B) NONVOTING MEMBERS.—At the request of a majority of the Council membership, any person who is a representative of a Federal agency or instrumentality not described in subparagraph (A) or any person who is not a Federal employee may serve as a nonvoting member of the Council.

''(4) CHAIRPERSON.—The chairperson of the Council shall be a member of the Council from an agency specified in clause (i), (ii), or (iii) of paragraph (3)(A) who is elected by a majority vote of the members of the Council. The chairperson shall serve as chairperson for a period of 2 years. A member of the Council may not serve as chairperson for more than 2 consecutive terms.

''(5) EXPENSES.—While performing official duties as a member of the Council, a member shall be allowed travel or transportation expenses under section 5703 of title 5, United States Code.

''(6) INTERAGENCY COOPERATION.—The head of each Federal agency or instrumentality that is represented on the Council—

''(A) shall cooperate with the Council in implementing the recommendations developed under paragraph (2);

''(B) on written request of the chairperson of the Council, may make available, on a reimbursable basis or otherwise, such personnel, services, or facilities as may be necessary to assist the Council in carrying out the duties of the Council under this section; and

''(C) on written request of the chairperson, shall furnish data or information necessary to carry out the duties of the Council under this section.

''(7) INTERNATIONAL COOPERATION.—The Council shall cooperate, to the maximum extent practicable, with the research coordination efforts of the Council of Great Lakes Research Managers of the International Joint Commission.

''(8) REIMBURSEMENT FOR REQUESTED ACTIVITIES.—Each Federal agency or instrumentality represented on the Council may reimburse another Federal agency or instrumentality or a non-Federal entity for costs associated with activities authorized under this subsection that are carried out by the other agency, instrumentality, or entity at the request of the Council.

''(9) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''(10) EFFECT ON OTHER LAW.—Nothing in this subsection affects the authority of any Federal agency or instrumentality, under any law, to undertake Great Lakes research activities.'';

(C) in subsection (e)—

(i) in paragraph (1) by striking ''the Program Office and the Research Office shall prepare a joint research plan'' and inserting ''the Program Office, in consultation with the Council, shall prepare a research plan''; and

(ii) in paragraph (3)(A) by striking ''the Research Office, the Agency for Toxic Substances and Disease Registry, and Great Lakes States'' and inserting ''the Council, the Agency for Toxic Substances and Disease Registry, and Great Lakes States,''; and

(D) in subsection (h)—

(i) by adding ''and'' at the end of paragraph (1);

(ii) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—The second sentence of section 403(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447b(a)) is amended by striking ''Great Lakes Research Office authorized under'' and inserting ''Great Lakes Research Council established by''.

(b) CONSISTENCY OF PROGRAMS WITH FEDERAL GUIDANCE.—Section 118(c)(2)(C) (33 U.S.C. 1268(c)(2)(C)) is amended by adding at the end the following: ''For purposes of this section, a State's standards, policies, and procedures shall be considered consistent with such guidance if the standards, policies, and procedures are based on scientifically defensible judgments and policy choices made by the State after consideration of the guidance and provide an overall level of protection comparable to that provided by the guidance, taking into account the specific circumstances of the State's waters.''.

(c) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS PROGRAM.—Section 118(c)(7) is amended by adding at the end the following:

''(D) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS PROGRAM.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, shall conduct at least 3 pilot projects involving promising technologies and practices to remedy contaminated sediments (including at least 1 full-scale demonstration of a remediation technology) at sites in the Great Lakes System, as the Administrator determines appropriate.

''(ii) SELECTION OF SITES.—In selecting sites for the pilot projects, the Administrator shall give priority consideration to—

''(I) the Ashtabula River in Ohio;

''(II) the Buffalo River in New York;

''(III) Duluth and Superior Harbor in Minnesota;

''(IV) the Fox River in Wisconsin;

''(V) the Grand Calumet River in Indiana; and

''(VI) Saginaw Bay in Michigan.

''(iii) DEADLINES.—In carrying out this subparagraph, the Administrator shall—

''(I) not later than 18 months after the date of the enactment of this subparagraph, identify at least 3 sites and the technologies and practices to be demonstrated at the sites (including at least 1 full-scale demonstration of a remediation technology); and

''(II) not later than 5 years after such date of enactment, complete at least 3 pilot projects (including at least 1 full-scale demonstration of a remediation technology).

''(iv) ADDITIONAL PROJECTS.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, may conduct additional pilot- and full-scale pilot projects involving promising technologies and practices at sites in the Great Lakes System other than the sites selected under clause (i).

''(v) EXECUTION OF PROJECTS.—The Administrator may cooperate with the Assistant Secretary of the Army having responsibility for civil works to plan, engineer, design, and execute pilot projects under this subparagraph.

''(vi) NON-FEDERAL CONTRIBUTIONS.—The Administrator may accept non-Federal contributions to carry out pilot projects under this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $3,500,000 for each of fiscal years 1996 through 2000.

''(E) TECHNICAL INFORMATION AND ASSISTANCE.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, may provide technical information and assistance involving technologies and practices for remediation of contaminated sediments to persons that request the information or assistance.

''(ii) TECHNICAL ASSISTANCE PRIORITIES.—In providing technical assistance under this subparagraph, the Administrator, acting through the Program Office, shall give special priority to requests for integrated assessments of, and recommendations regarding, remediation technologies and practices for contaminated sediments at Great Lakes areas of concern.

''(iii) COORDINATION WITH OTHER DEMONSTRATIONS.—The Administrator shall—

''(I) coordinate technology demonstrations conducted under this subparagraph with other federally assisted demonstrations of contaminated sediment remediation technologies; and

''(II) share information from the demonstrations conducted under this subparagraph with the other demonstrations.

''(iv) OTHER SEDIMENT REMEDIATION ACTIVITIES—Nothing in this subparagraph limits the authority of the Administrator to carry out sediment remediation activities under other laws.

''(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $1,000,000 for each of fiscal years 1996 through 2000.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) RESEARCH AND MANAGEMENT.—Section 118(e)(3)(B) (33 U.S.C. 1268(e)(3)(B)) is amended by inserting before the period at the end the following: '', such sums as may be necessary for fiscal year 1995, and $4,000,000 per fiscal year for each of fiscal years 1996, 1997, and 1998''.

(2) GREAT LAKES PROGRAMS.—Section 118(h) (33 U.S.C. 1268(h)) is amended—

(A) by striking ''and'' before ''$25,000,000''; and

(B) by inserting before the period at the end of the first sentence the following: '', such sums as may be necessary for fiscal years 1992 through 1995, and $17,500,000 per fiscal year for each of fiscal years 1996 through 2000''.

TITLE II—CONSTRUCTION GRANTS

SEC. 201. USES OF FUNDS.

(a) NONPOINT SOURCE PROGRAM.—Section 201(g)(1) (33 U.S.C. 1281(g)(1)) is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the last sentence and inserting the following: ''and for any purpose for which a grant may be made under sections 319(h) and 319(i) of this Act (including any innovative and alternative approaches for the control of nonpoint sources of pollution).''.

(b) RETROACTIVE ELIGIBILITY.—Section 201(g)(1) is further amended by adding at the end the following: ''The Administrator, with the concurrence of the States, shall develop procedures to facilitate and expedite the retroactive eligibility and provision of grant funding for facilities already under construction.''.

SEC. 202. ADMINISTRATION OF CLOSEOUT OF CONSTRUCTION GRANT PROGRAM.

Section 205(g)(1) (33 U.S.C. 1285(g)(1)) is amended by adding at the end the following: ''The Administrator may negotiate an annual budget with a State for the purpose of administering the closeout of the State's construction grants program under this title. Sums made available for administering such closeout shall be subtracted from amounts remaining available for obligation under the State's construction grant program under this title.''.

SEC. 203. SEWAGE COLLECTION SYSTEMS.

Section 211(a) (33 U.S.C. 1291(a)) is amended—

(1) in clause (1) by striking ''an existing collection system'' and inserting ''a collection system existing on the date of the enactment of the Clean Water Amendments of 1995''; and

(2) in clause (2)—

(A) by striking ''an existing community'' and inserting ''a community existing on such date of enactment''; and

(B) by striking ''sufficient existing'' and inserting ''sufficient capacity existing on such date of enactment''.

SEC. 204. VALUE ENGINEERING REVIEW.

Section 218(c) (33 U.S.C. 1298(c)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

SEC. 205. GRANTS FOR WASTEWATER TREATMENT.

(a) COASTAL LOCALITIES.—The Administrator shall make grants under title II of the Federal Water Pollution Control Act to appropriate instrumentalities for the purpose of construction of treatment works (including combined sewer overflow facilities) to serve coastal localities. No less than $10,000,000 of the amount of such grants shall be used for water infrastructure improvements in New Orleans, no less than $3,000,000 of the amount of such grants shall be used for water infrastructure improvements in Bristol County, Massachusetts, and no less than ⅓ of the amount of such grants shall be used to assist localities that meet both of the following criteria:

(1) NEED.—A locality that has over $2,000,000,000 in category I treatment needs documented and accepted in the Environmental Protection Agency's 1992 Needs Survey database as of February 4, 1993.

(2) HARDSHIP.—A locality that has wastewater user charges, for residential use of 7,000 gallons per month based on Ernst & Young National Water and Wastewater 1992 Rate Survey, greater than 0.65 percent of 1989 median household income for the metropolitan statistical area in which such locality is located as measured by the Bureau of the Census.

(b) FEDERAL SHARE.—Notwithstanding section 202(a)(1) of the Federal Water Pollution Control Act, the Federal share of grants under subsection (a) shall be 80 percent of the cost of construction, and the non-Federal share shall be 20 percent of the cost of construction.

(c) SMALL COMMUNITIES.—The Administrator shall make grants to States for the purpose of providing assistance for the construction of treatment works to serve small communities as defined by the State; except that the term ''small communities'' may not include any locality with a population greater than 75,000. Funds made available to carry out this subsection shall be allotted by the Administrator to the States in accordance with the allotment formula contained in section 604(a) of the Federal Water Pollution Control Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section $300,000,000 for fiscal year 1996. Such sums shall remain available until expended and shall be equally divided between subsections (a) and (c) of this section. Such authorization of appropriation shall take effect only if the total amount appropriated for fiscal year 1996 to carry out title VI of the Federal Water Pollution Control Act is at least $3,000,000,000.

TITLE III—STANDARDS AND ENFORCEMENT

SEC. 301. ARID AREAS.

(a) CONSTRUCTED WATER CONVEYANCES.—Section 303(c)(2) (33 U.S.C. 1313(c)(2)) is amended by adding at the end the following:

''(D) STANDARDS FOR CONSTRUCTED WATER CONVEYANCES.—

''(i) RELEVANT FACTORS.—If a State exercises jurisdiction over constructed water conveyances in establishing standards under this section, the State may consider the following:

''(I) The existing and planned uses of water transported in a conveyance system.

''(II) Any water quality impacts resulting from any return flow from a constructed water conveyance to navigable waters and the need to protect downstream users.

''(III) Management practices necessary to maintain the conveyance system.

''(IV) State or regional water resources management and water conservation plans.

''(V) The authorized purpose for the constructed conveyance.

''(ii) RELEVANT USES.—If a State adopts or reviews water quality standards for constructed water conveyances, it shall not be required to establish recreation, aquatic life, or fish consumption uses for such systems if the uses are not existing or reasonably foreseeable or such uses impede the authorized uses of the conveyance system.''.

(b) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—Section 304(a) (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—

''(A) DEVELOPMENT.—Not later than 2 years after the date of the enactment of this paragraph, and after providing notice and opportunity for public comment, the Administrator shall develop and publish—

''(i) criteria for ephemeral and effluent-dependent streams; and

''(ii) guidance to the States on development and adoption of water quality standards applicable to such streams.

''(B) FACTORS.—The criteria and guidance developed under subparagraph (A) shall take into account the limited ability of ephemeral and effluent-dependent streams to support aquatic life and certain designated uses, shall include consideration of the role the discharge may play in maintaining the flow or level of such waters, and shall promote the beneficial use of reclaimed water pursuant to section 101(a)(10).''.

(c) FACTORS REQUIRED TO BE CONSIDERED BY ADMINISTRATOR.—Section 303(c)(4) is amended by adding at the end the following: ''In revising or adopting any new standard for ephemeral or effluent-dependent streams under this paragraph, the Administrator shall consider the factors referred to in section 304(a)(9)(B).''.

(d) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(21) The term 'effluent-dependent stream' means a stream or a segment thereof—

''(A) with respect to which the flow (based on the annual average expected flow, determined by calculating the average mode over a 10-year period) is primarily attributable to the discharge of treated wastewater;

''(B) that, in the absence of a discharge of treated wastewater and other primary anthropogenic surface or subsurface flows, would be an ephemeral stream; or

''(C) that is an effluent-dependent stream under applicable State water quality standards.

''(22) The term 'ephemeral stream' means a stream or segments thereof that flows periodically in response to precipitation, snowmelt, or runoff.

''(23) The term 'constructed water conveyance' means a manmade water transport system constructed for the purpose of transporting water in a waterway that is not and never was a natural perennial waterway.''.

SEC. 302. SECONDARY TREATMENT.

(a) COASTAL DISCHARGES.—Section 304(d) (33 U.S.C. 1314(d)) is amended by adding at the end the following:

''(5) COASTAL DISCHARGES.—For purposes of this subsection, any municipal wastewater treatment facility shall be deemed the equivalent of a secondary treatment facility if each of the following requirements is met:

''(A) The facility employs chemically enhanced primary treatment.

''(B) The facility, on the date of the enactment of this paragraph, discharges through an ocean outfall into an open marine environment greater than 4 miles offshore into a depth greater than 300 feet.

''(C) The facility's discharge is in compliance with all local and State water quality standards for the receiving waters.

''(D) The facility's discharge will be subject to an ocean monitoring program acceptable to relevant Federal and State regulatory agencies.''.

(b) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

(1) IN GENERAL.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(s) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator, with the concurrence of the State, shall issue a 10-year permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works into marine waters which are at least 150 feet deep through an ocean outfall which discharges at least 1 mile offshore, if the applicant demonstrates that—

''(A) there is an applicable ocean plan and the facility's discharge is in compliance with all local and State water quality standards for the receiving waters;

''(B) the facility's discharge will be subject to an ocean monitoring program determined to be acceptable by relevant Federal and State regulatory agencies;

''(C) the applicant has an Agency approved pretreatment plan in place; and

''(D) the applicant, at the time such modification becomes effective, will be discharging effluent which has received at least chemically enhanced primary treatment and achieves a monthly average of 75 percent removal of suspended solids.

''(2) DISCHARGE OF ANY POLLUTANT INTO MARINE WATERS DEFINED.—For purposes of this subsection, the term 'discharge of any pollutant into marine waters' means a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement.

''(3) DEADLINE.—On or before the 90th day after the date of submittal of an application for a modification under paragraph (1), the Administrator shall issue to the applicant a modified permit under section 402 or a written determination that the application does not meet the terms and conditions of this subsection.

''(4) EFFECT OF FAILURE TO RESPOND.—If the Administrator does not respond to an application for a modification under paragraph (1) on or before the 90th day referred to in paragraph (3), the application shall be deemed approved and the modification sought by the applicant shall be in effect for the succeeding 10-year period.''.

(2) EXTENSION OF APPLICATION DEADLINE.—Section 301(j) (33 U.S.C. 1311(j)) is amended by adding at the end the following:

''(6) EXTENSION OF APPLICATION DEADLINE.—In the 365-day period beginning on the date of the enactment of this paragraph, municipalities may apply for a modification pursuant to subsection (s) of the requirements of subsection (b)(1)(B) of this section.''.

(c) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(t) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—The Administrator, with the concurrence of the State, or a State with an approved program under section 402 may issue a permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works serving a community of 20,000 people or fewer if the applicant demonstrates to the satisfaction of the Administrator that—

''(1) the effluent from such facility originates primarily from domestic users; and

''(2) such facility utilizes a properly constructed and operated alternative treatment system (including recirculating sand filter systems, constructed wetlands, and oxidation lagoons) which is equivalent to secondary treatment or will provide in the receiving waters and watershed an adequate level of protection to human health and the environment and contribute to the attainment of water quality standards.''.

(d) PUERTO RICO.—Section 301 (33 U.S.C. 1311) is further amended by adding at the end the following:

''(u) PUERTO RICO.—

''(1) STUDY BY GOVERNMENT OF PUERTO RICO.—Not later than 3 months after the date of the enactment of this section, the Government of Puerto Rico may, after consultation with the Administrator, initiate a study of the marine environment of Anasco Bay off the coast of the Mayaguez region of Puerto Rico to determine the feasibility of constructing a deepwater outfall for the publicly owned treatment works located at Mayaguez, Puerto Rico. Such study shall recommend one or more technically feasible locations for the deepwater outfall based on the effects of such outfall on the marine environment.

''(2) APPLICATION FOR MODIFICATION.—Notwithstanding subsection (j)(1)(A), not later than 18 months after the date of the enactment of this section, an application may be submitted for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) of this section by the owner of the publicly owned treatment works at Mayaguez, Puerto Rico, for a deepwater outfall at a location recommended in the study conducted pursuant to paragraph (1).

''(3) INITIAL DETERMINATION.—On or before the 90th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue to the applicant a draft initial determination regarding the modification of the existing permit.

''(4) FINAL DETERMINATION.—On or before the 270th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue a final determination regarding such modification.

''(5) EFFECTIVENESS.—If a modification is granted pursuant to an application submitted under this subsection, such modification shall be effective only if the new deepwater outfall is operational within 5 years after the date of the enactment of this subsection. In all other aspects, such modification shall be effective for the period applicable to all modifications granted under subsection (h).''.

SEC. 303. FEDERAL FACILITIES.

(a) APPLICATION OF CERTAIN PROVISIONS.—Section 313(a) (33 U.S.C. 1323(a)) is amended by striking all preceding subsection (b) and inserting the following:

''SEC. 313. FEDERAL FACILITIES POLLUTION CONTROL.

''(a) APPLICABILITY OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAWS.—

''(1) IN GENERAL.—Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government—

''(A) having jurisdiction over any property or facility, or

''(B) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants,

and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity, including the payment of reasonable service charges.

''(2) TYPES OF ACTIONS COVERED.—Paragraph (1) shall apply—

''(A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits, and any other requirement),

''(B) to the exercise of any Federal, State, or local administrative authority, and

''(C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner.

''(3) PENALTIES AND FINES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authority, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

''(4) SOVEREIGN IMMUNITY.—

''(A) WAIVER.—The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, and process and sanctions referred to in paragraph (1) (including any injunctive relief, any administrative order, any civil or administrative penalty or fine referred to in paragraph (3), or any reasonable service charge).

''(B) PROCESSING FEES.—The reasonable service charges referred to in this paragraph include fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local water pollution regulatory program.

''(5) EXEMPTIONS.—

''(A) GENERAL AUTHORITY OF PRESIDENT.—The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any requirement to which paragraph (1) applies if the President determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act.

''(B) LIMITATION.—No exemptions shall be granted under subparagraph (A) due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

''(C) TIME PERIOD.—Any exemption under subparagraph (A) shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods of not to exceed 1 year upon the President's making a new determination.

''(D) MILITARY PROPERTY.—In addition to any exemption of a particular effluent source, the President may, if the President determines it to be in the paramount interest of the United States to do so, issue regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vessels, vehicles, or other classes or categories of property, and access to such property, which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at 3-year intervals.

''(E) REPORTS.—The President shall report each January to the Congress all exemptions

from the requirements of this section granted during the preceding calendar year, together with the President's reason for granting such exemption.

''(6) VENUE.—Nothing in this section shall be construed to prevent any department, agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof in the performance of official duties, from removing to the appropriate Federal district court any proceeding to which the department, agency, or instrumentality or officer, agent, or employee thereof is subject pursuant to this section, and any such proceeding may be removed in accordance with chapter 89 of title 28, United States Code.

''(7) PERSONAL LIABILITY OF FEDERAL EMPLOYEES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local water pollution law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(8) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including any fine or imprisonment) under any Federal or State water pollution law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.''.

(b) FUNDS COLLECTED BY A STATE.—Section 313 (33 U.S.C. 1323) is further amended by adding at the end the following:

''(c) LIMITATION ON STATE USE OF FUNDS.—Unless a State law in effect on the date of the enactment of this subsection or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government in penalties and fines imposed for the violation of a substantive or procedural requirement referred to in subsection (a) shall be used by a State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.''.

(c) ENFORCEMENT.—Section 313 is further amended by adding at the end the following:

''(d) FEDERAL FACILITY ENFORCEMENT.—

''(1) ADMINISTRATIVE ENFORCEMENT BY EPA.—The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act.

''(2) PROCEDURE.—The Administrator shall initiate an administrative enforcement action against a department, agency, or instrumentality under this subsection in the same manner and under the same circumstances as an action would be initiated against any other person under this Act. The amount of any administrative penalty imposed under this subsection shall be determined in accordance with section 309(d) of this Act.

''(3) VOLUNTARY SETTLEMENT.—Any voluntary resolution or settlement of an action under this subsection shall be set forth in an administrative consent order.

''(4) CONFERRAL WITH EPA.—No administrative order issued to a department, agency, or instrumentality under this section shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.''.

(d) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Section 313 is further amended by adding at the end the following:

''(e) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or for which the Administrator has issued a final order and the violator has either paid a penalty or fine assessed under this subsection or is subject to an enforceable schedule of corrective actions, shall not be the subject of an action under section 505 of this Act. In any action under this subsection, any citizen may intervene as a matter of right.''.

(e) DEFINITION OF PERSON.—Section 502(5) (33 U.S.C. 1362(5)) is amended by inserting before the period at the end the following: ''and includes any department, agency, or instrumentality of the United States''.

(f) DEFINITION OF RADIOACTIVE MATERIALS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(24) The term 'radioactive materials' includes source materials, special nuclear materials, and byproduct materials (as such terms are defined under the Atomic Energy Act of 1954) which are used, produced, or managed at facilities not licensed by the Nuclear Regulatory Commission; except that such term does not include any material which is discharged from a vessel or other facility covered by Executive Order 12344 (42 U.S.C. 7158 note; relating to the Naval Nuclear Propulsion Program).''.

(g) CONFORMING AMENDMENTS.—Section 313(b) (33 U.S.C. 1323(b)) is amended—

(1) by striking ''(b)(1)'' and inserting the following:

''(b) WASTEWATER FACILITIES.—

''(1) COOPERATION FOR USE OF WASTEWATER CONTROL SYSTEMS.—'';

(2) in paragraph (2) by inserting ''LIMITATION ON CONSTRUCTION.—'' before ''Construction''; and

(3) by moving paragraphs (1) and (2) 2 ems to the right.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall only apply to violations occurring after such date of enactment.

SEC. 304. NATIONAL ESTUARY PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The Nation's estuaries are a vital natural resource to which many regional economies are closely tied.

(2) Many of the Nation's estuaries are under a severe threat from point source pollution and polluted run-off (nonpoint source pollution) and from habitat alteration and destruction.

(3) Only through expanded investments in waste water treatment and other water and sediment pollution control and prevention efforts can the environmental and economic values of the Nation's estuaries be restored and protected.

(4) The National Estuary Program created under the Federal Water Pollution Control Act has significantly advanced the Nation's understanding of the declining condition of the Nation's estuaries.

(5) The National Estuary Program has also provided precise information about the corrective and preventative measures required to reverse the degradation of water and sediment quality and to halt the alteration and destruction of vital habitat in the Nation's estuaries.

(6) The level of funding available to States, municipalities, and the Environmental Protection Agency for implementation of approved conservation and management plans is inadequate, and additional financial resources must be provided.

(7) Funding for implementation of approved conservation and management plans should be provided under the State revolving loan fund program authorized by title VI of the Federal Water Pollution Control Act.

(8) Authorization levels for State revolving loan fund capitalization grants should be increased by an amount necessary to ensure the achievement of the goals of the Federal Water Pollution Control Act.

(b) TECHNICAL AMENDMENT.—Section 320(a)(2)(B) (33 U.S.C. 1330(a)(2)(B)) is amended to read as follows:

''(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor); Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; Charlotte Harbor, Florida; Barnegat Bay, New Jersey; and Peconic Bay, New York.''.

(c) GRANTS.—Section 320(g)(2) (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation monitoring'' after ''development''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1995, and $19,000,000 per fiscal year for each of fiscal years 1996 through 2000''.

SEC. 305. NONPOINT SOURCE MANAGEMENT PROGRAMS.

(a) REVIEW AND REVISION.—Section 319(b) (33 U.S.C. 1329(b)) is amended by adding at the end the following:

''(5) REVIEW AND REVISION.—Not later than 18 months after the date of the enactment of this paragraph, the State shall review and revise the report required by this subsection and submit such revised report to the Administrator for approval.''.

(b) APPROVAL OR DISAPPROVAL OF MANAGEMENT PROGRAMS.—Section 319(d)(1) (33 U.S.C. 1329(d)(1)) is amended by inserting ''or revised management program'' after ''management program'' each place it appears.

(c) GRANTS FOR PROTECTING GROUND WATER QUALITY.—Section 319(i)(3) (33 U.S.C. 1329(i)(3)) is amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 319(j) (33 U.S.C. 1329(j)) is amended—

(1) by striking ''and'' before ''$130,000,000'';

(2) by inserting after ''1991'' the following: '', such sums as may be necessary for fiscal years 1992 through 1995, $100,000,000 for fiscal year 1996, $150,000,000 for fiscal year 1997, $200,000,000 for fiscal year 1998, $250,000,000 for fiscal year 1999, and $300,000,000 for fiscal year 2000''; and

(3) by striking ''$7,500,000'' and inserting ''$25,000,000''.

(e) AGRICULTURAL INPUTS.—Section 319 (33 U.S.C. 1329) is amended by adding at the end the following:

''(o) AGRICULTURAL INPUTS.—For the purposes of this Act, any land application of livestock manure shall not be considered a point source and shall be subject to enforcement only under this section.''.

SEC. 306. COASTAL ZONE MANAGEMENT.

Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''(A)'' after ''PROGRAM DEVELOPMENT.—''; and

(B) by adding at the end the following:

''(B) A State that has not received Federal approval for the State's core coastal management program pursuant to section 306 of

the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) shall have 30 months from the date of approval of such program to submit a Coastal Nonpoint Pollution Program pursuant to this section. Any such State shall also be eligible for any extension of time for submittal of the State's nonpoint program that may be received by a State with a federally approved coastal management program.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''to protect coastal waters generally'' and inserting ''to restore and protect coastal waters where the State has determined that coastal waters are threatened or significantly degraded'';

(3) in subsection (b)(3)—

(A) by striking ''The implementation'' and inserting ''A schedule for the implementation''; and

(B) by inserting '', and no less often than once every 5 years,'' after ''from time to time'';

(4) in subsection (b) by adding at the end the following:

''(7) IDENTIFICATION OF PRIORITY AREAS.—A prioritization of the areas in the State in which management measures will be implemented.'';

(5) in subsection (c) by adding at the end the following:

''(5) CONDITIONAL APPROVAL.—The Secretary and Administrator may grant conditional approval to a State's program where the State requests additional time to complete the development of its program. During the period during which the State's program is subject to conditional approval, the penalty provisions of paragraphs (3) and (4) shall not apply.'';

(6) in subsection (h)(1) by striking '', 1993, and 1994'' and inserting ''through 2000''; and

(7) in subsection (h)(2)(B)(iv) by striking ''fiscal year 1995'' and inserting ''each of fiscal years 1995 through 2000''.

SEC. 307. COMPREHENSIVE WATERSHED MANAGEMENT.

(a) IN GENERAL.—Title III (33 U.S.C. 1300–1330) is amended by adding at the end the following:

''SEC. 321. COMPREHENSIVE WATERSHED MANAGEMENT.

''(a) FINDINGS, PURPOSE, AND DEFINITIONS.—

''(1) FINDINGS.—Congress finds that comprehensive watershed management will further the goals and objectives of this Act by—

''(A) identifying more fully water quality impairments and the pollutants, sources, and activities causing the impairments;

''(B) integrating water protection quality efforts under this Act with other natural resource protection efforts, including Federal efforts to define and protect ecological systems (including the waters and the living resources supported by the waters);

''(C) defining long-term social, economic, and natural resource objectives and the water quality necessary to attain or maintain the objectives;

''(D) increasing, through citizen participation in the watershed management process, public support for improved water quality;

''(E) identifying priority water quality problems that need immediate attention; and

''(F) identifying the most cost-effective measures to achieve the objectives of this Act.

''(2) PURPOSE.—The purpose of this section is to encourage comprehensive watershed management in maintaining and enhancing water quality, in restoring and protecting living resources supported by the waters, and in ensuring waters of a quality sufficient to meet human needs, including water supply and recreation.

''(3) DEFINITIONS.—In this section, the following definitions apply:

''(A) ECOSYSTEM.—The term 'ecosystem' means the community of plants and animals (including humans) and the environment (including surface water, the ground water with which it interacts, and riparian areas) upon which that community depends.

''(B) ENVIRONMENTAL OBJECTIVES.—The term 'environmental objectives' means the goals specified by States or State-designated watershed management entities to protect, restore, and maintain water resources and aquatic ecosystems within a watershed, including applicable water quality standards and wetlands protection goals established under the Act.

''(C) STATE.—The term 'State' includes Indian tribes eligible under section 518(e).

''(b) STATE WATERSHED PROGRAM.—

''(1) SUBMITTAL.—A State, at any time, may submit to the Administrator for approval a watershed management program for the State.

''(2) APPROVAL.—The Administrator shall approve a State watershed program submitted under paragraph (1) if the program, at a minimum, contains the following elements:

''(A) An identification of the State agency generally responsible for overseeing and approving watershed management plans and a designation of watershed management entities and lead responsibilities for such entities. Such entities may include other State agencies and sub-State agencies.

''(B) A description of the scope of the program. In determining the scope of the program, the State may choose to address all watersheds within the State over a period of time or to concentrate efforts on selected watersheds. Within each watershed, the issues to be addressed should be based on a comprehensive analysis of the problems within the watershed. The scope of the program may expand over a period of time both in terms of the number of watersheds and the issues addressed by the program.

''(C) An identification of watershed management units for which watershed management plans will be developed. In selecting such units, the State shall consider those waters in the State that are water quality threatened or impaired or are otherwise in need of special protection. To the extent practicable, the boundaries of each watershed management unit shall be consistent with United States Geological Service hydrological units.

''(D) A description of activities required of watershed management entities (as specified under subsection (f)(1)) and a description of the State's approval process for watershed management plans.

''(E) A specification of an effective public participation process, including procedures to encourage the public to participate in developing and implementing watershed management plans.

''(F) An identification of the statewide environmental objectives that will be pursued in each watershed. Such objectives, at a minimum, shall include State water quality standards and goals under this Act, and, as appropriate, other objectives such as habitat restoration and biological diversity.

''(2) DEADLINE.—The Administrator, after consultation with other Federal agencies, shall approve or disapprove a State watershed program submitted under paragraph (1) on or before the 180th day following the date of the submittal. If a State watershed program is disapproved, the State may modify and resubmit its program under paragraph (1).

''(3) ANNUAL REPORT.—A State with an approved watershed program under this subsection shall provide to the Administrator an annual report summarizing the status of the program, including a description of any modifications to the program. An annual report submitted under this section may be used by the State to satisfy reporting requirements under sections 106, 314, 319, and 320.

''(4) EFFECTIVE PERIOD OF APPROVALS.—An approval of a State watershed program under paragraph (2) shall remain in effect for a 5-year period beginning on the date of the approval and may be renewed by the Administrator.

''(5) WITHDRAWAL OF APPROVAL.—Whenever the Administrator determines after public hearing that a State is not administering a watershed program approved under paragraph (2) in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

''(c) DESIGNATION OF ADDITIONAL WATERSHED MANAGEMENT UNITS AND ENTITIES.—A State with an approved watershed program under this section may modify such program at any time in order to designate additional watershed management units and entities, including lead responsibilities, for the purpose of developing and implementing watershed management plans.

''(d) ELIGIBLE WATERSHED MANAGEMENT AND PLANNING ACTIVITIES.—The following watershed management activities are eligible to receive assistance from the Administrator under sections 205(j), 319(h), and 604(b):

''(1) Characterizing waters and land uses.

''(2) Identifying problems within a watershed.

''(3) Selecting short-term and long-term goals for watershed management.

''(4) Developing and implementing measures and practices to meet identified goals.

''(5) Identifying and coordinating projects and activities necessary to restore and maintain water quality or meet other environmental objectives within the watershed.

''(6) Identifying the appropriate institutional arrangements to carry out an approved watershed management plan.

''(7) Updating an approved watershed management plan.

''(8) Any other activities deemed appropriate by the Administrator.

''(e) SUPPORT FOR WATERSHED MANAGEMENT AND PLANNING.—

''(1) INTERAGENCY COMMITTEE.—There is established an interagency committee to support comprehensive watershed management and planning. The President shall appoint the members of the committee. The members shall include a representative from each Federal agency that carries out programs and activities that may have a significant impact on water quality or other natural resource values that may be appropriately addressed through comprehensive watershed management.

''(2) USE OF OTHER FUNDS UNDER THIS ACT.—The planning and implementation activities carried out by a management entity pursuant to this section may be carried out with funds made available through the State pursuant to sections 205(j), 319(h), and 604(b).

''(f) APPROVED PLANS.—

''(1) MINIMUM REQUIREMENTS.—A State with an approved watershed program may approve a watershed management plan when such plan satisfies the following conditions:

''(A) If the watershed includes waters that are not meeting applicable water quality standards under this Act at the time of submission, the plan—

''(i) identifies the environmental objectives of the plan including, at a minimum, State water quality standards and goals under this Act, and any other environmental objectives the planning entity deems appropriate;

''(ii) identifies the stressors, pollutants, and sources causing the impairment;

''(iii) identifies actions necessary to achieve the environmental objectives of the plan, including source reduction of pollutants to achieve any allocated load reductions consistent with the requirements of section 303(d) and the priority for implementing such actions;

''(iv) contains an implementation plan, with schedules, milestones, projected completion dates, and the identification of those persons responsible for implementing the actions, demonstrating that water quality standards will be attained as expeditiously as practicable, but not later than deadlines in applicable sections of this Act and all other environmental objectives identified in the watershed management plan will be attained as expeditiously as practicable;

''(v) contains an effective public participation process in the development and implementation of the plan;

''(vi) specifies a process to monitor and evaluate progress toward meeting environmental objectives; and

''(vii) specifies a process to revise the plan as needed.

''(B) For those waters in the watershed attaining water quality standards at the time of submission (including threatened waters), the plan identifies those projects and activities necessary to maintain water quality standards and attain or maintain other environmental objectives in the future.

''(2) TERMS OF PLAN AND PLAN APPROVAL.—Each plan submitted and approved under this subsection shall extend for a period of not less than 5 years and include a planning and implementation schedule with milestones and completion dates within that period. The approval by the State of a plan shall apply for a period not exceed 5 years. A revised and updated plan may be submitted prior to the expiration of the period specified in the preceding sentence for approval pursuant to the same conditions and requirements that apply to an initial plan for a watershed that is approved pursuant to this subsection.

''(g) INCENTIVES FOR WATERSHED MANAGEMENT.—

''(1) POINT SOURCE PERMITS.—

''(A) IN GENERAL.—Notwithstanding section 301(b)(1)(C), a permit may be issued under section 402 with a limitation that does not meet water quality standards, if—

''(i) the receiving water is in a watershed with an approved watershed plan;

''(ii) the plan includes enforceable requirements under State or local law for nonpoint source pollutant load reductions that in combination with point source requirements will meet water quality standards prior to the expiration of plan; and

''(iii) the point source does not have a history of significant noncompliance with its permit effluent limitations, as determined by the Administrator or the State (in the case with an approved permit under section 402).

''(B) SYNCHRONIZED PERMIT TERMS.—Notwithstanding section 402(b)(1)(B), the term of a permit issued under section 402 may be extended by 5 years if the discharge is located in a watershed planning area for which a watershed management plan is to be developed.

''(C) 10-YEAR PERMIT TERMS.—Notwithstanding section 402(b)(1)(B), the term of a permit issued under section 402 may be extended to 10 years for any point source located in a watershed management unit for which a watershed management plan has been approved if the plan provides for the attainment and maintenance of water quality standards (including designated uses) in the affected waters and unless receiving waters are not meeting water quality standards due to the point source discharge. Such permits may be revised at any time if necessary to meet water quality standards.

''(2) NONPOINT SOURCE CONTROLS.—Not later than 30 months after the date of the enactment of this section, a State with an approved watershed program under this section may make a showing to the Administrator that nonpoint source management practices different from those established in national guidance issued by the Administrator under section 319 will attain water quality standards as expeditiously as practicable and not later than the deadlines established by this Act. If the Administrator is satisfied with such showing, then the Administrator may approve the State's nonpoint source management program that relies on such practices as meeting the requirements of section 319. Alternative watershed nonpoint source control practices must be identified in the watershed management plan adopted under subsection (f)(2) of this section.

''(3) FUNDING.—The Administrator may provide assistance to a State with an approved watershed management program under this section in the form of a multipurpose grant that would provide for single application, workplan and review, matching, oversight, and end-of-year closeout requirements for grant funding under sections 104(b)(3), 104(g), 106, 314(b), 319, 320, and 604(b). A State with an approved multipurpose grant may focus activities funded under such sections on a priority basis consistent with State-approved watershed management plans.

''(h) GUIDANCE.—Not later than 12 months after the date of the enactment of this section, and after consultation with other appropriate agencies, the Administrator shall issue guidance on recommended provisions to be included in State watershed programs and State-approved watershed management plans.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator for providing grants to States to assist such States in carrying out activities under this section $25,000,000 per fiscal year for each of fiscal years 1996 through 2000.''.

(b) CONFORMING AMENDMENT.—Section 401(a)(1) (33 U.S.C. 1341(a)(1)) is amended by inserting ''and with the provisions of a management plan approved by a State under section 321 of this Act'' before the period at the end of the first sentence.

SEC. 308. REVISION OF EFFLUENT LIMITATIONS.

(a) ELIMINATION OF REQUIREMENT FOR ANNUAL REVISION.—Section 304(b) (33 U.S.C. 1314(b)) is amended in the matter preceding paragraph (1) by striking ''and, at least annually thereafter,'' and inserting ''and thereafter shall''.

(b) SPECIAL RULE.—Section 304(b) (33 U.S.C. 1314(b)) is amended by striking the period at the end of the first sentence and inserting the following: ''; except that guidelines issued under paragraph (1)(A) addressing pollutants identified pursuant to subsection (a)(4) shall not be revised after February 15, 1995, to be more stringent unless such revised guidelines meet the requirements of paragraph (4)(A).''.

TITLE IV—PERMITS AND LICENSES

SEC. 401. WASTE TREATMENT SYSTEMS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS.

Section 402(a) is amended by adding at the end the following:

''(6) CONCENTRATED ANIMAL FEEDING OPERATIONS.—For purposes of this section, waste treatment systems, including retention ponds or lagoons, used to meet the requirements of this Act for concentrated animal feeding operations, are not waters of the United States. An existing concentrated animal feeding operation that uses a natural topographic impoundment or structure on the effective date of this Act, which is not hydrologically connected to any other waters of the United States, as a waste treatment system or wastewater retention facility may continue to use that natural topographic feature for waste storage regardless of its size, capacity, or previous use.''.

SEC. 402. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

(a) DEADLINES.—Section 402(p) (33 U.S.C. 1343(p)) is amended—

(1) in paragraph (1) by striking ''1994'' and inserting ''2005''; and

(2) in paragraph (6) by striking ''1993'' and inserting ''2005''.

(b) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Section 402(p)(3) is amended by adding at the end the following:

''(C) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Permits for municipal separate storm sewers shall not include numeric effluent limitations.''.

SEC. 403. INTAKE CREDITS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

''(q) INTAKE CREDITS.—

''(1) IN GENERAL.—Notwithstanding any provision of this Act, in any effluent limitation or other limitation imposed under the permit program established by the Administrator under this section, any State permit program approved under this section (including any program for implementation under section 118(c)(2)), any standards established under section 307(a), or any program for industrial users established under section 307(b), the Administrator, as applicable, shall or the State, as applicable, may provide credits for pollutants present in or caused by intake water such that an owner or operator of a point source is not required to remove, reduce, or treat the amount of any pollutant in an effluent below the amount of such pollutant that is present in or caused by the intake water for such facility—

''(A)(i) if the source of the intake water and the receiving waters into which the effluent is ultimately discharged are the same;

''(ii) if the source of the intake water meets the maximum contaminant levels or treatment techniques for drinking water contaminants established pursuant to the Safe Drinking Water Act for the pollutant of concern; or

''(iii) if, at the time the limitation or standard is established, the level of the pollutant in the intake water is the same as or lower than the amount of the pollutant in the receiving waters, taking into account analytical variability; and

''(B) if, for conventional pollutants, the constituents of the conventional pollutants in the intake water are the same as the constituents of the conventional pollutants in the effluent.

''(2) ALLOWANCE FOR INCIDENTAL AMOUNTS.—In determining whether the condition set forth in paragraph (1)(A)(i) is being met, the Administrator shall or the State may, as appropriate, make allowance for incidental amounts of intake water from sources other than the receiving waters.

''(3) CREDIT FOR NONQUALIFYING POLLUTANTS.—The Administrator shall or a State may provide point sources an appropriate credit for pollutants found in intake water that does not meet the requirement of paragraph (1).

''(4) MONITORING.—Nothing in this section precludes the Administrator or a State from requiring monitoring of intake water, effluent, or receiving waters to assist in the implementation of this section.''.

SEC. 404. COMBINED SEWER OVERFLOWS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

''(r) COMBINED SEWER OVERFLOWS.—

''(1) REQUIREMENT FOR PERMITS.—Each permit issued pursuant to this section for a discharge from a combined storm and sanitary sewer shall conform with the combined sewer overflow control policy signed by the Administrator on April 11, 1994.

''(2) TERM OF PERMIT.—

''(A) COMPLIANCE DEADLINE.—Notwithstanding any compliance schedule under section 301(b), or any permit limitation under section 402(b)(1)(B), the Administrator (or a State with a program approved under subsection (b)) may issue a permit pursuant to this section for a discharge from a combined storm and sanitary sewer, that includes a schedule for compliance with a long-term control plan under the control policy referred to in paragraph (1), for a term not to exceed 15 years.

''(B) EXTENSION.—Notwithstanding the compliance deadline specified in subparagraph (A), the Administrator or a State with a program approved under subsection (b) shall extend, on request of an owner or operator of a combined storm and sanitary sewer and subject to subparagraph (C), the period of compliance beyond the last day of the 15-year period—

''(i) if the Administrator or the State determines that compliance by such last day is not within the economic capability of the owner or operator; and

''(ii) if the owner or operator demonstrates to the satisfaction of the Administrator or the State reasonable further progress towards compliance with a long-term control plan under the control policy referred to in paragraph (1).

''(C) LIMITATIONS ON EXTENSIONS.—

''(i) EXTENSION NOT APPROPRIATE.—Notwithstanding subparagraph (B), the Administrator or the State need not grant an extension of the compliance deadline specified in subparagraph (A) if the Administrator or the State determines that such an extension is not appropriate.

''(ii) NEW YORK-NEW JERSEY.—Prior to granting an extension under subparagraph (B) with respect to a combined sewer overflow discharge originating in the State of New York or New Jersey and affecting the other of such States, the Administrator or the State from which the discharge originates, as the case may be, shall provide written notice of the proposed extension to the other State and shall not grant the extension unless the other State approves the extension or does not disapprove the extension within 90 days of receiving such written notice.

''(3) SAVINGS CLAUSE.—Any consent decree or court order entered by a United States district court, or administrative order issued by the Administrator, before the date of the enactment of this subsection establishing any deadlines, schedules, or timetables, including any interim deadlines, schedules, or timetables, for the evaluation, design, or construction of treatment works for control or elimination of any discharge from a municipal combined storm and sanitary sewer system shall be modified upon motion or request by any party to such consent decree or court order, to extend to December 31, 2009, at a minimum, any such deadlines, schedules, or timetables, including any interim deadlines, schedules, or timetables as is necessary to conform to the policy referred to in paragraph (1) or otherwise achieve the objectives of this subsection. Notwithstanding the preceding sentence, the period of compliance with respect to a discharge referred to in paragraph (2)(C)(ii) may only be extended in accordance with paragraph (2)(C)(ii).''.

SEC. 405. ABANDONED MINES.

Section 402 (33 U.S.C. 1342) is further amended by inserting after subsection (o) the following:

''(p) PERMITS FOR REMEDIATING PARTY ON ABANDONED OR INACTIVE MINED LANDS.—

''(1) APPLICABILITY.—Subject to this subsection, including the requirements of paragraph (3), the Administrator, with the concurrence of the concerned State or Indian tribe, may issue a permit to a remediating party under this section for discharges associated with remediation activity at abandoned or inactive mined lands which modifies any otherwise applicable requirement of sections 301(b), 302, and 403, or any subsection of this section (other than this subsection).

''(2) APPLICATION FOR A PERMIT.—A remediating party who desires to conduct remediation activities on abandoned or inactive mined lands from which there is or may be a discharge of pollutants to waters of the United States or from which there could be a significant addition of pollutants from nonpoint sources may submit an application to the Administrator. The application shall consist of a remediation plan and any other information requested by the Administrator to clarify the plan and activities.

''(3) REMEDIATION PLAN.—The remediation plan shall include (as appropriate and applicable) the following:

''(A) Identification of the remediating party, including any persons cooperating with the concerned State or Indian tribe with respect to the plan, and a certification that the applicant is a remediating party under this section.

''(B) Identification of the abandoned or inactive mined lands addressed by the plan.

''(C) Identification of the waters of the United States impacted by the abandoned or inactive mined lands.

''(D) A description of the physical conditions at the abandoned or inactive mined lands that are causing adverse water quality impacts.

''(E) A description of practices, including system design and construction plans and operation and maintenance plans, proposed to reduce, control, mitigate, or eliminate the adverse water quality impacts and a schedule for implementing such practices and, if it is an existing remediation project, a description of practices proposed to improve the project, if any.

''(F) An analysis demonstrating that the identified practices are expected to result in a water quality improvement for the identified waters.

''(G) A description of monitoring or other assessment to be undertaken to evaluate the success of the practices during and after implementation, including an assessment of baseline conditions.

''(H) A schedule for periodic reporting on progress in implementation of major elements of the plan.

''(I) A budget and identified funding to support the activities described in the plan.

''(J) Remediation goals and objectives.

''(K) Contingency plans.

''(L) A description of the applicant's legal right to enter and conduct activities.

''(M) The signature of the applicant.

''(N) Identification of the pollutant or pollutants to be addressed by the plan.

''(4) PERMITS.—

''(A) CONTENTS.—Permits issued by the Administrator pursuant to this subsection shall—

''(i) provide for compliance with and implementation of a remediation plan which, following issuance of the permit, may be modified by the applicant after providing notification to and opportunity for review by the Administrator;

''(ii) require that any modification of the plan be reflected in a modified permit;

''(iii) require that if, at any time after notice to the remediating party and opportunity for comment by the remediating party, the Administrator determines that the remediating party is not implementing the approved remediation plan in substantial compliance with its terms, the Administrator shall notify the remediating party of the determination together with a list specifying the concerns of the Administrator;

''(iv) provide that, if the identified concerns are not resolved or a compliance plan approved within 180 days of the date of the notification, the Administrator may take action under section 309 of this Act;

''(v) provide that clauses (iii) and (iv) not apply in the case of any action under section 309 to address violations involving gross negligence (including reckless, willful, or wanton misconduct) or intentional misconduct by the remediating party or any other person;

''(vi) not require compliance with any limitation issued under sections 301(b), 302, and 403 or any requirement established by the Administrator under any subsection of this section (other than this subsection); and

''(vii) provide for termination of coverage under the permit without the remediating party being subject to enforcement under sections 309 and 505 of this Act for any remaining discharges—

''(I) after implementation of the remediation plan;

''(II) if a party obtains a permit to mine the site; or

''(III) upon a demonstration by the remediating party that the surface water quality conditions due to remediation activities at the site, taken as a whole, are equal to or superior to the surface water qualities that existed prior to initiation of remediation.

''(B) LIMITATIONS.—The Administrator shall only issue a permit under this section, consistent with the provisions of this subsection, to a remediating party for discharges associated with remediation action at abandoned or inactive mined lands if the remediation plan demonstrates with reasonable certainty that the actions will result in an improvement in water quality.

''(C) PUBLIC PARTICIPATION.—The Administrator may only issue a permit or modify a permit under this section after complying with subsection (b)(3).

''(D) EFFECT OF FAILURE TO COMPLY WITH PERMIT.—Failure to comply with terms of a permit issued pursuant to this subsection shall not be deemed to be a violation of an effluent standard or limitation issued under this Act.

''(E) LIMITATIONS ON STATUTORY CONSTRUCTION.—This subsection shall not be construed—

''(i) to limit or otherwise affect the Administrator's powers under section 504; or

''(ii) to preclude actions pursuant to section 309 or 505 for any violations of sections 301(a), 302, 402, and 403 that may have existed for the abandoned or inactive mined land prior to initiation of remediation covered by a permit issued under this subsection, unless such permit covers remediation activities implemented by the permit holder prior to issuance of the permit.

''(5) DEFINITIONS.—In this subsection the following definitions apply:

''(A) REMEDIATING PARTY.—The term 'remediating party' means—

''(i) the United States (on non-Federal lands), a State or its political subdivisions, or an Indian tribe or officers, employees, or contractors thereof; and

''(ii) any person acting in cooperation with a person described in clause (i), including a government agency that owns abandoned or inactive mined lands for the purpose of conducting remediation of the mined lands or that is engaging in remediation activities incidental to the ownership of the lands.

Such term does not include any person who, before or following issuance of a permit under this section, directly benefited from or participated in any mining operation (including exploration) associated with the abandoned or inactive mined lands.

''(B) ABANDONED OR INACTIVE MINED LANDS.—The term 'abandoned or inactive mined lands' means lands that were formerly mined and are not actively mined or in temporary shutdown at the time of submission of the remediation plan and issuance of a permit under this section.

''(C) MINED LANDS.—The term 'mined lands' means the surface or subsurface of an area where mining operations, including exploration, extraction, processing, and beneficiation, have been conducted. Such term includes private ways and roads appurtenant to such area, land excavations, underground mine portals, adits, and surface expressions associated with underground workings, such as glory holes and subsidence features, mining waste, smelting sites associated with other mined lands, and areas where structures, facilities, equipment, machines, tools, or other material or property which result from or have been used in the mining operation are located.

''(6) REGULATIONS.—The Administrator may issue regulations establishing more specific requirements that the Administrator determines would facilitate implementation of this subsection. Before issuance of such regulations, the Administrator may establish, on a case-by-case basis after notice and opportunity for public comment as provided by subsection (b)(3), more specific requirements that the Administrator determines would facilitate implementation of this subsection in an individual permit issued to the remediating party.''.

SEC. 406. BENEFICIAL USE OF BIOSOLIDS.

(a) REFERENCES.—Section 405(a) (33 U.S.C. 1345(a)) is amended by inserting ''(also referred to as 'biosolids')'' after ''sewage sludge'' the first place it appears.

(b) APPROVAL OF STATE PROGRAMS.—Section 405(f) (33 U.S.C. 1345(f)) is amended by adding at the end the following:

''(3) APPROVAL OF STATE PROGRAMS.—Notwithstanding any other provision of law, the Administrator shall approve for purposes of this subsection State programs that meet the standards for final use or disposal of sewage sludge established by the Administrator pursuant to subsection (d).''.

(c) STUDIES AND PROJECTS.—Section 405(g) (33 U.S.C. 1345(g)) is amended—

(1) in the first sentence of paragraph (1) by inserting ''building materials,'' after ''agricultural and horticultural uses,'';

(2) in paragraph (1) by adding at the end the following: ''Not later than January 1, 1997, and after providing notice and opportunity for public comment, the Administrator shall issue guidance on the beneficial use of sewage sludge.''; and

(3) in paragraph (2) by striking ''September 30, 1986,'' and inserting ''September 30, 1995,''.

TITLE V—GENERAL PROVISIONS

SEC. 501. PUBLICLY OWNED TREATMENT WORKS DEFINED.

Section 502 (33 U.S.C. 1362) is further amended by adding at the end the following:

''(25) The term 'publicly owned treatment works' means a treatment works, as defined in section 212, located at other than an industrial facility, which is designed and constructed principally, as determined by the Administrator, to treat domestic sewage or a mixture of domestic sewage and industrial wastes of a liquid nature. In the case of such a facility that is privately owned, such term includes only those facilities that, with respect to such industrial wastes, are carrying out a pretreatment program meeting all the requirements established under section 307 and paragraphs (8) and (9) of section 402(b) for pretreatment programs (whether or not the treatment works would be required to implement a pretreatment program pursuant to such sections).''.

SEC. 502. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards and reporting requirements (including reporting requirements based on quantitative amounts) to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of the Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 503. NEEDS ESTIMATE.

Section 516(b)(1) (33 U.S.C. 1375(b)(1)) is amended—

(1) in the first sentence by striking ''biennially revised'' and inserting ''quadrennially revised''; and

(2) in the second sentence by striking ''February 10 of each odd-numbered year'' and inserting ''December 31, 1997, and December 31 of every 4th calendar year thereafter''.

SEC. 504. FOOD PROCESSING AND FOOD SAFETY.

Title V (33 U.S.C. 1361–1377) is amended by redesignating section 519 as section 521 and by inserting after section 518 the following:

''SEC. 519. FOOD PROCESSING AND FOOD SAFETY.

''In developing any effluent guideline under section 304(b), pretreatment standard under section 307(b), or new source performance standard under section 306 that is applicable to the food processing industry, the Administrator shall consult with and consider the recommendations of the Food and Drug Administration, Department of Health and Human Services, Department of Agriculture, and Department of Commerce. The recommendations of such departments and agencies and a description of the Administrator's response to those recommendations shall be made part of the rulemaking record for the development of such guidelines and standards. The Administrator's response shall include an explanation with respect to food safety, including a discussion of relative risks, of any departure from a recommendation by any such department or agency.''.

SEC. 505. AUDIT DISPUTE RESOLUTION.

Title V (33 U.S.C. 1361–1377) is further amended by inserting before section 521, as redesignated by this Act, the following:

''SEC. 520. AUDIT DISPUTE RESOLUTION.

''(a) ESTABLISHMENT OF BOARD.—The Administrator shall establish an independent Board of Audit Appeals (hereinafter in this section referred to as the 'Board') in accordance with the requirements of this section.

''(b) DUTIES.—The Board shall have the authority to review and decide contested audit determinations related to grant and contract awards under this Act. In carrying out such duties, the Board shall consider only those regulations, guidance, policies, facts, and circumstances in effect at the time of the grant or contract award.

''(c) PRIOR ELIGIBILITY DECISIONS.—The Board shall not reverse project cost eligibility determinations that are supported by an decision document of the Environmental Protection Agency, including grant or contract approvals, plans and specifications approval forms, grant or contract payments, change order approval forms, or similar documents approving project cost eligibility, except upon a showing that such decision was arbitrary, capricious, or an abuse of law in effect at the time of such decision.

''(d) MEMBERSHIP.—

''(1) APPOINTMENT.—The Board shall be composed of 7 members to be appointed by the Administrator not later than 90 days after the date of the enactment of this section.

''(2) TERMS.—Each member shall be appointed for a term of 3 years.

''(3) QUALIFICATIONS.—The Administrator shall appoint as members of the Board individuals who are specially qualified to serve on the Board by virtue of their expertise in grant and contracting procedures. The Administrator shall make every effort to ensure that individuals appointed as members of the Board are free from conflicts of interest in carrying out the duties of the Board.

''(e) BASIC PAY AND TRAVEL EXPENSES.—

''(1) RATES OF PAY.—Except as provided in paragraph (2), members shall each be paid at a rate of basic pay, to be determined by the Administrator, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board.

''(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Board who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

''(3) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator shall provide to the Board the administrative support services necessary for the Board to carry out its responsibilities under this section.

''(g) DISPUTES ELIGIBLE FOR REVIEW.—The authority of the Board under this section shall extend to any contested audit determination that on the date of the enactment of this section has yet to be formally concluded and accepted by either the grantee or the Administrator.''.

TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 601. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking ''(1) for construction'' and all that follows through the period and inserting ''to accomplish the purposes of this Act.''.

SEC. 602. CAPITALIZATION GRANT AGREEMENTS.

(a) REQUIREMENTS FOR CONSTRUCTION OF TREATMENT WORKS.—Section 602(b)(6) (33 U.S.C. 1382(b)(6)) is amended—

(1) by striking ''before fiscal year 1995''; and

(2) by striking ''201(b)'' and all that follows through ''218'' and inserting ''211''.

(b) COMPLIANCE WITH OTHER FEDERAL LAWS.—Section 602 (33 U.S.C. 1382) is amended by adding at the end the following:

''(c) OTHER FEDERAL LAWS.—

''(1) COMPLIANCE WITH OTHER FEDERAL LAWS.—If a State provides assistance from its water pollution control revolving fund established in accordance with this title and in accordance with a statute, rule, executive order, or program of the State which addresses the intent of any requirement or any Federal executive order or law other than this Act, as determined by the State, the State in providing such assistance shall be treated as having met the Federal requirements.

''(2) LIMITATION ON APPLICABILITY OF OTHER FEDERAL LAWS.—If a State does not meet a requirement of a Federal executive order or law other than this Act under paragraph (1), such Federal law shall only apply to Federal funds deposited in the water pollution control revolving fund established by the State in accordance with this title the first time such funds are used to provide assistance from the revolving fund.''.

(c) GUIDANCE FOR SMALL SYSTEMS.—Section 602 (33 U.S.C. 1382) is amended by adding at the end the following new subsection:

''(d) GUIDANCE FOR SMALL SYSTEMS.—

''(1) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Administrator shall assist the States in establishing simplified procedures for small systems to obtain assistance under this title.

''(2) PUBLICATION OF MANUAL.—Not later than 1 year after the date of the enactment of this subsection, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist small systems in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

''(3) SMALL SYSTEM DEFINED.—For purposes of this title, the term 'small system' means a system for which a municipality or intermunicipal, interstate, or State agency seeks assistance under this title and which serves a population of 20,000 or less.''.

SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

''(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

''(1) IN GENERAL.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance to activities which have as a principal benefit the improvement or protection of water quality to a municipality, intermunicipal agency, interstate agency, State agency, or other person. Such activities may include the following:

''(A) Construction of a publicly owned treatment works if the recipient of such assistance is a municipality.

''(B) Implementation of lake protection programs and projects under section 314.

''(C) Implementation of a management program under section 319.

''(D) Implementation of a conservation and management plan under section 320.

''(E) Implementation of a watershed management plan under section 321.

''(F) Implementation of a stormwater management program under section 322.

''(G) Acquisition of property rights for the restoration or protection of publicly or privately owned riparian areas.

''(H) Implementation of measures to improve the efficiency of public water use.

''(I) Development and implementation of plans by a public recipient to prevent water pollution.

''(J) Acquisition of lands necessary to meet any mitigation requirements related to construction of a publicly owned treatment works.

''(2) FUND AMOUNTS.—The water pollution control revolving fund of a State shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing financial assistance described in paragraph (1). Fees charged by a State to recipients of such assistance may be deposited in the fund for the sole purpose of financing the cost of administration of this title.''.

(b) EXTENDED REPAYMENT PERIOD FOR DISADVANTAGED COMMUNITIES.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by inserting after ''20 years'' the following: ''or, in the case of a disadvantaged community, the lesser of 40 years or the expected life of the project to be financed with the proceeds of the loan''; and

(2) in subparagraph (B) by striking ''not later than 20 years after project completion'' and inserting ''upon the expiration of the term of the loan''.

(c) LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGY.—Section 603(d)(5) (33 U.S.C. 1383(d)(5)) is amended to read as follows:

''(5) to provide loan guarantees for—

''(A) similar revolving funds established by municipalities or intermunicipal agencies; and

''(B) developing and implementing innovative technologies.''.

(d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: ''or $400,000 per year, whichever is greater, plus the amount of any fees collected by the State for such purpose under subsection (c)(2)''.

(e) TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(8) to provide to small systems technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, repair schedules, and other activities to improve wastewater treatment plant operations; except that such amounts shall not exceed 2 percent of all grant awards to such fund under this title.''.

(f) CONSISTENCY WITH PLANNING REQUIREMENTS.—Section 603(f) (33 U.S.C. 1383(f)) is amended by striking ''and 320'' and inserting ''320, 321, and 322''.

(g) LIMITATIONS ON CONSTRUCTION ASSISTANCE.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

''(g) LIMITATIONS ON CONSTRUCTION ASSISTANCE.—The State may provide financial assistance from its water pollution control revolving fund with respect to a project for construction of a treatment works only if—

''(1) such project is on the State's priority list under section 216 of this Act; and

''(2) the recipient of such assistance is a municipality in any case in which the treatment works is privately owned.''.

(h) INTEREST RATES.—Section 603 is further amended by adding at the end the following:

''(i) INTEREST RATES.—In any case in which a State makes a loan pursuant to subsection (d)(1) to a disadvantaged community, the State may charge a negative interest rate of not to exceed 2 percent to reduce the unpaid principal of the loan. The aggregate amount of all such negative interest rate loans the State makes in a fiscal year shall not exceed 20 percent of the aggregate amount of all loans made by the State from its revolving loan fund in such fiscal year.

''(j) DISADVANTAGED COMMUNITY DEFINED.—As used in this section, the term 'disadvantaged community' means the service area of a publicly owned treatment works with respect to which the average annual residential sewage treatment charges for a user of the treatment works meet affordability criteria established by the State in which the treatment works is located (after providing for public review and comment) in accordance with guidelines to be established by the Administrator, in cooperation with the States.''.

(i) SALE OF TREATMENT WORKS.—Section 603 is further amended by adding at the end the following:

''(k) SALE OF TREATMENT WORKS.—

''(1) IN GENERAL.—Notwithstanding any other provisions of this Act, any State, municipality, intermunicipality, or interstate agency may transfer by sale to a qualified private sector entity all or part of a treatment works that is owned by such agency and for which it received Federal financial assistance under this Act if the transfer price will be distributed, as amounts are received, in the following order:

''(A) First reimbursement of the agency of the unadjusted dollar amount of the costs of construction of the treatment works or part thereof plus any transaction and fix-up costs incurred by the agency with respect to the transfer less the amount of such Federal financial assistance provided with respect to such costs.

''(B) If proceeds from the transfer remain after such reimbursement, repayment of the Federal Government of the amount of such Federal financial assistance less the applicable share of accumulated depreciation on such treatment works (calculated using Internal Revenue Service accelerated depreciation schedule applicable to treatment works).

''(C) If any proceeds of such transfer remain after such reimbursement and repayment, retention of the remaining proceeds by such agency.

''(2) RELEASE OF CONDITION.—Any requirement imposed by regulation or policy for a showing that the treatment works are no longer needed to serve their original purpose shall not apply.

''(3) SELECTION OF BUYER.—A State, municipality, intermunicipality, or interstate agency exercising the authority granted by this subsection shall select a qualified private sector entity on the basis of total net cost and other appropriate criteria and shall utilize such competitive bidding, direct negotiation, or other criteria and procedures as may be required by State law.

''(l) PRIVATE OWNERSHIP OF TREATMENT WORKS.—

''(1) REGULATORY REVIEW.—The Administrator shall review the law and any regulations, policies, and procedures of the Environmental Protection Agency affecting the

construction, improvement, replacement, operation, maintenance, and transfer of ownership of current and future treatment works owned by a State, municipality, intermunicipality, or interstate agency. If permitted by law, the Administrator shall modify such regulations, policies, and procedures to eliminate any obstacles to the construction, improvement, replacement, operation, and maintenance of such treatment works by qualified private sector entities.

''(2) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit to Congress a report identifying any provisions of law that must be changed in order to eliminate any obstacles referred to in paragraph (1).

''(3) DEFINITION.—For purposes of this section, the term 'qualified private sector entity' means any nongovernmental individual, group, association, business, partnership, organization, or privately or publicly held corporation that—

''(A) has sufficient experience and expertise to discharge successfully the responsibilities associated with construction, operation, and maintenance of a treatment works and to satisfy any guarantees that are agreed to in connection with a transfer of treatment works under subsection (k);

''(B) has the ability to assure protection against insolvency and interruption of services through contractual and financial guarantees; and

''(C) with respect to subsection (k), to the extent consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade—

''(i) is majority-owned and controlled by citizens of the United States; and

''(ii) does not receive subsidies from a foreign government.''.

SEC. 604. ALLOTMENT OF FUNDS.

(a) IN GENERAL.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

''(a) FORMULA FOR FISCAL YEARS 1996–2000.—Sums authorized to be appropriated pursuant to section 607 for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be allotted for such year by the Administrator not later than the 10th day which begins after the date of the enactment of the Clean Water Amendments of 1995. Sums authorized for each such fiscal year shall be allotted in accordance with the following table:

''States:	*Percentage of sums authorized:*
Alabama	1.0110
Alaska	0.5411
Arizona	0.7464
Arkansas	0.5914
California	7.9031
Colorado	0.7232
Connecticut	1.3537
Delaware	0.4438
District of Columbia	0.4438
Florida	3.4462
Georgia	1.8683
Hawaii	0.7002
Idaho	0.4438
Illinois	4.9976
Indiana	2.6631
Iowa	1.2236
Kansas	0.8690
Kentucky	1.3570
Louisiana	1.0060
Maine	0.6999
Maryland	2.1867
Massachusetts	3.7518
Michigan	3.8875
Minnesota	1.6618
Mississippi	0.8146
Missouri	2.5063
Montana	0.4438
Nebraska	0.4624
Nevada	0.4438
New Hampshire	0.9035
New Jersey	4.5156
New Mexico	0.4438
New York	12.1969
North Carolina	1.9943
North Dakota	0.4438
Ohio	5.0898
Oklahoma	0.7304
Oregon	1.2399
Pennsylvania	4.2145
Rhode Island	0.6071
South Carolina	0.9262
South Dakota	0.4438
Tennessee	1.4668
Texas	4.6458
Utah	0.4764
Vermont	0.4438
Virginia	2.2615
Washington	1.9217
West Virginia	1.4249
Wisconsin	2.4442
Wyoming	0.4438
Puerto Rico	1.1792
Northern Marianas	0.0377
American Samoa	0.0812
Guam	0.0587
Pacific Islands Trust Territory	0.1158
Virgin Islands	0.0576.''.

(b) CONFORMING AMENDMENT.—Section 604(c)(2) is amended by striking ''title II of this Act'' and inserting ''this title''.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 607 (33 U.S.C. 1387(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

''(6) such sums as may be necessary for fiscal year 1995;

''(7) $2,500,000,000 for fiscal year 1996;

''(8) $2,500,000,000 for fiscal year 1997;

''(9) $2,500,000,000 for fiscal year 1998;

''(10) $2,500,000,000 for fiscal year 1999; and

''(11) $2,500,000,000 for fiscal year 2000.''.

SEC. 606. STATE NONPOINT SOURCE WATER POLLUTION CONTROL REVOLVING FUNDS.

Title VI (33 U.S.C. 1381–1387) is amended—

(1) in section 607 by inserting after ''title'' the following: ''(other than section 608)''; and

(2) by adding at the end the following:

''SEC. 608. STATE NONPOINT SOURCE WATER POLLUTION CONTROL REVOLVING FUNDS.

''(a) GENERAL AUTHORITY.—The Administrator shall make capitalization grants to each State for the purpose of establishing a nonpoint source water pollution control revolving fund for providing assistance—

''(1) to persons for carrying out management practices and measures under the State management program approved under section 319; and

''(2) to agricultural producers for the development and implementation of the water quality components of a whole farm or ranch resource management plan and for implementation of management practices and measures under such a plan.

A State nonpoint source water pollution control revolving fund shall be separate from any other State water pollution control revolving fund; except that the chief executive officer of the State may transfer funds from one fund to the other fund.

''(b) APPLICABILITY OF OTHER REQUIREMENTS OF THIS TITLE.—Except to the extent the Administrator, in consultation with the chief executive officers of the States, determines that a provision of this title is not consistent with a provision of this section, the provisions of sections 601 through 606 of this title shall apply to grants made under this section in the same manner and to the same extent as they apply to grants made under section 601 of this title. Paragraph (5) of section 602(b) shall apply to all funds in a State revolving fund established under this section as a result of capitalization grants made under this section; except that such funds shall first be used to assure reasonable progress toward attainment of the goals of section 319, as determined by the Governor of the State. Paragraph (7) of section 603(d) shall apply to a State revolving fund established under this section, except that the 4-percent limitation contained in such section shall not apply to such revolving fund.

''(c) APPORTIONMENT OF FUNDS.—Funds made available to carry out this section for any fiscal year shall be allotted among the States by the Administrator in the same manner as funds are allotted among the States under section 319 in such fiscal year.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 per fiscal year for each of fiscal years 1996 through 2000.''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. TECHNICAL AMENDMENTS.

(a) SECTION 118.—Section 118(c)(1)(A) (33 U.S.C. 1268(c)(1)(A)) is amended by striking the last comma.

(b) SECTION 120.—Section 120(d) (33 U.S.C. 1270(d)) is amended by striking ''(1)''.

(c) SECTION 204.—Section 204(a)(3) (33 U.S.C. 1284(a)(3)) is amended by striking the final period and inserting a semicolon.

(d) SECTION 205.—Section 205 (33 U.S.C. 1285) is amended—

(1) in subsection (c)(2) by striking ''and 1985'' and inserting ''1985, and 1986'';

(2) in subsection (c)(2) by striking ''through 1985'' and inserting ''through 1986'';

(3) in subsection (g)(1) by striking the period following ''4 per centum''; and

(4) in subsection (m)(1)(B) by striking ''this'' the last place it appears and inserting ''such''.

(e) SECTION 208.—Section 208 (33 U.S.C. 1288) is amended—

(1) in subsection (h)(1) by striking ''designed'' and inserting ''designated''; and

(2) in subsection (j)(1) by striking ''September 31, 1988'' and inserting ''September 30, 1988''.

(f) SECTION 301.—Section 301(j)(1)(A) (33 U.S.C. 1311(j)(1)(A)) is amended by striking ''that'' the first place it appears and inserting ''than''.

(g) SECTION 309.—Section 309(d) (33 U.S.C. 1319(d)) is amended by striking the second comma following ''Act by a State''.

(h) SECTION 311.—Section 311 (33 U.S.C. 1321) is amended—

(1) in subsection (b) by moving paragraph (12) (including subparagraphs (A), (B) and (C)) 2 ems to the right; and

(2) in subsection (h)(2) by striking ''The'' and inserting ''the''.

(i) SECTION 505.—Section 505(f) (33 U.S.C. 1365(f)) is amended by striking the last comma.

(j) SECTION 516.—Section 516 (33 U.S.C. 1375) is amended by redesignating subsection (g) as subsection (f).

(k) SECTION 518.—Section 518(f) (33 U.S.C. 1377(f)) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 702. JOHN A. BLATNIK NATIONAL FRESH WATER QUALITY RESEARCH LABORATORY.

(a) DESIGNATION.—The laboratory and research facility established pursuant to section 104(e) of the Federal Water Pollution Control Act (33 U.S.C. 1254(e)) that is located in Duluth, Minnesota, shall be known and designated as the ''John A. Blatnik National Fresh Water Quality Research Laboratory''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the laboratory and research facility referred to in subsection (a) shall be deemed to be a reference to the ''John A. Blatnik National Fresh Water Quality Research Laboratory''.

SEC. 703. WASTEWATER SERVICE FOR COLONIAS.

(a) GRANT ASSISTANCE.—The Administrator may make grants to States along the United States-Mexico border to provide assistance for planning, design, and construction of treatment works to provide wastewater service to the communities along such border commonly known as ''colonias''.

(b) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds made available under subsection (a) shall be 50 percent. The non-Federal share of such cost shall be provided by the State receiving the grant.

(c) TREATMENT WORKS DEFINED.—For purposes of this section, the term ''treatment works'' has the meaning such term has under section 212 of the Federal Water Pollution Control Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (a) $50,000,000 for fiscal year 1996. Such sums shall remain available until expended.

SEC. 704. SAVINGS IN MUNICIPAL DRINKING WATER COSTS.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Director of the Office of Management and Budget, shall review, analyze, and compile information on the annual savings that municipalities realize in the construction, operation, and maintenance of drinking water facilities as a result of actions taken under the Federal Water Pollution Control Act.

(b) CONTENTS.—The study conducted under subsection (a), at a minimum, shall contain an examination of the following elements:

(1) Savings to municipalities in the construction of drinking water filtration facilities resulting from actions taken under the Federal Water Pollution Control Act.

(2) Savings to municipalities in the operation and maintenance of drinking water facilities resulting from actions taken under such Act.

(3) Savings to municipalities in health expenditures resulting from actions taken under such Act.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a).

TITLE VIII—WETLANDS CONSERVATION AND MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Wetlands and Watershed Management Act of 1995''.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

(1) Wetlands perform a number of valuable functions needed to restore and maintain the chemical, physical, and biological integrity of the Nation's waters, including—

(A) reducing pollutants (including nutrients, sediment, and toxics) from nonpoint and point sources;

(B) storing, conveying, and purifying flood and storm waters;

(C) reducing both bank erosion and wave and storm damage to adjacent lands and trapping sediment from upland sources;

(D) providing habitat and food sources for a broad range of commercial and recreational fish, shellfish, and migratory wildlife species (including waterfowl and endangered species); and

(E) providing a broad range of recreational values for canoeing, boating, birding, and nature study and observation.

(2) Original wetlands in the contiguous United States have been reduced by an estimated 50 percent and continue to disappear at a rate of 200,000 to 300,000 acres a year. Many of these original wetlands have also been altered or partially degraded, reducing their ecological value.

(3) Wetlands are highly sensitive to changes in water regimes and are, therefore, susceptible to degradation by fills, drainage, grading, water extractions, and other activities within their watersheds which affect the quantity, quality, and flow of surface and ground waters. Protection and management of wetlands, therefore, should be integrated with management of water systems on a watershed basis. A watershed protection and management perspective is also needed to understand and reverse the gradual, continued destruction of wetlands that occurs due to cumulative impacts.

(4) Wetlands constitute an estimated 5 percent of the Nation's surface area. Because much of this land is in private ownership wetlands protection and management strategies must take into consideration private property rights and the need for economic development and growth. This can be best accomplished in the context of a cooperative and coordinated Federal, State, and local strategy for data gathering, planning, management, and restoration with an emphasis on advance planning of wetlands in watershed contexts.

(b) PURPOSES.—The purposes of this Act are—

(1) to help create a coordinated national wetland management effort with efficient use of scarce Federal, State, and local financial and manpower resources to protect wetland functions and values and reduce natural hazard losses;

(2) to help reverse the trend of wetland loss in a fair, efficient, and cost-effective manner;

(3) to reduce inconsistencies and duplication in Federal, State, and local wetland management efforts and encourage integrated permitting at the Federal, State, and local levels;

(4) to increase technical assistance, cooperative training, and educational opportunities for States, local governments, and private landowners;

(5) to help integrate wetland protection and management with other water resource management programs on a watershed basis such as flood control, storm water management, allocation of water supply, protection of fish and wildlife, and point and nonpoint source pollution control;

(6) to increase regionalization of wetland delineation and management policies within a framework of national policies through advance planning of wetland areas, programmatic general permits and other approaches and the tailoring of policies to ecosystem and land use needs to reflect significant watershed variance in wetland resources;

(7) to address the cumulative loss of wetland resources;

(8) to increase the certainty and predictability of planning and regulatory policies for private landowners;

(9) to help achieve no overall net loss and net gain of the remaining wetland base of the United States through watershed-based restoration strategies involving all levels of government;

(10) to restore and create wetlands in order to increase the quality and quantity of the wetland resources and by so doing to restore and maintain the quality and quantity of the waters of the United States; and

(11) to provide mechanisms for joint State, Federal, and local development and testing of approaches to better protect wetland resources such as mitigation banking.

SEC. 803. STATE, LOCAL, AND LANDOWNER TECHNICAL ASSISTANCE AND COOPERATIVE TRAINING.

(a) STATE AND LOCAL TECHNICAL ASSISTANCE.—Upon request, the Administrator or the Secretary of the Army, as appropriate, shall provide technical assistance to State and local governments in the development and implementation of State and local government permitting programs under sections 404(e) and 404(h) of the Federal Water Pollution Control Act, State wetland conservation plans under section 805, and regional or local wetland management plans under section 805.

(b) COOPERATIVE TRAINING.—The Administrator and the Secretary, in cooperation with the Coordinating Committee established pursuant to section 804, shall conduct training courses for States and local governments involving wetland delineation, utilization of wetlands in nonpoint pollution control, wetland and stream restoration, wetland planning, wetland evaluation, mitigation banking, and other subjects deemed appropriate by the Administrator or Secretary.

(c) PRIVATE LANDOWNER TECHNICAL ASSISTANCE.—The Administrator and Secretary shall, in cooperation with the Coordination Committee, and appropriate Federal agencies develop and provide to private landowners guidebooks, pamphlets, or other materials and technical assistance to help them in identifying and evaluating wetlands, developing integrated wetland management plans for their lands consistent with the goals of this Act and the Federal Water Pollution Control Act, and restoring wetlands.

SEC. 804. FEDERAL, STATE, AND LOCAL GOVERNMENT COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a Federal, State, and Local Government Wetlands Coordinating Committee (hereinafter in this section referred to as the ''Committee'').

(b) FUNCTIONS.—The Committee shall—

(1) help coordinate Federal, State, and local wetland planning, regulatory, and restoration programs on an ongoing basis to reduce duplication, resolve potential conflicts, and efficiently allocate manpower and resources at all levels of government;

(2) provide comments to the Secretary of the Army or Administrator in adopting regulatory, policy, program, or technical guidance affecting wetland systems;

(3) help develop and field test, national policies prior to implementation such as wetland, delineation, classification of wetlands, methods for sequencing wetland mitigation responses, the utilization of mitigation banks;

(4) help develop and carry out joint technical assistance and cooperative training programs as provided in section 803;

(5) help develop criteria and implementation strategies for facilitating State conservation plans and strategies, local and regional wetland planning, wetland restoration and creation, and State and local permitting programs pursuant to section 404(e) or 404(g) of the Federal Water Pollution Control Act; and

(6) help develop a national strategy for the restoration of wetland ecosystems pursuant to section 6 of this Act.

(c) MEMBERSHIP.—The Committee shall be composed of 18 members as follows:

(1) The Administrator or the designee of the Administrator.

(2) The Secretary or the designee of the Secretary.

(3) The Director of the United States Fish and Wildlife Service or the designee of the Director.

(4) The Chief of the Natural Resources Conservation Service or the designee of the Chief.

(5) The Undersecretary for Oceans and Atmosphere or the designee of the Under Secretary.

(6) One individual appointed by the Administrator who will represent the National Governor's Association.

(7) One individual appointed by the Administrator who will represent the National Association of Counties.

(8) One individual appointed by the Administrator who will represent the National League of Cities.

(9) One State wetland expert from each of the 10 regions of the Environmental Protection Agency. Each member to be appointed under this paragraph shall be jointly appointed by the Governors of the States within the Environmental Protection Agency's region. If the Governors from a region cannot agree on such a representative, they will each submit a nomination to the Administrator and the Administrator will select a representative from such region.

(d) TERMS.—Each member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) shall be appointed for a term of 2 years.

(e) VACANCIES.—A vacancy in the Committee shall be filled, on or before the 30th day after the vacancy occurs, in the manner in which the original appointment was made.

(f) PAY.—Members shall serve without pay, but may receive travel expenses (including per diem in lieu of subsistence) in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) COCHAIRPERSONS.—The Administrator and one member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) (selected by such members) shall serve as cochairpersons of the Committee.

(h) QUORUM.—Two-thirds of the members of the Committee shall constitute a quorum but a lesser number may hold meetings.

(i) MEETINGS.—The Committee shall hold its first meeting not later than 120 days after the date of the enactment of this Act. The Committee shall meet at least twice each year thereafter. Meetings will be opened to the public.

SEC. 805. STATE AND LOCAL WETLAND CONSERVATION PLANS AND STRATEGIES; GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.

(a) STATE WETLAND CONSERVATION PLANS AND STRATEGIES.—Subject to the requirements of this section, the Administrator shall make grants to States and tribes to assist in the development and implementation of wetland conservation plans and strategies. More specific goals for such conservation plans and strategies may include:

(1) Inventorying State wetland resources, identifying individual and cumulative losses, identifying State and local programs applying to wetland resources, determining gaps in such programs, and making recommendations for filling those gaps.

(2) Developing and coordinating existing State, local, and regional programs for wetland management and protection on a watershed basis.

(3) Increasing the consistency of Federal, State, and local wetland definitions, delineation, and permitting approaches.

(4) Mapping and characterizing wetland resources on a watershed basis.

(5) Identifying sites with wetland restoration or creation potential.

(6) Establishing management strategies for reducing causes of wetland degradation and restoring wetlands on a watershed basis.

(7) Assisting regional and local governments prepare watershed plans for areas with a high percentage of lands classified as wetlands or otherwise in need of special management.

(8) Establishing and implementing State or local permitting programs under section 404(e) or 404(h) of the Federal Water Pollution Control Act.

(b) REGIONAL AND LOCAL WETLAND PLANNING, REGULATION, AND MANAGEMENT PROGRAMS.—Subject to the requirements of this section, the Administrator shall make grants to States which will, in turn, use this funding to make grants to regional and local governments to assist them in adopting and implementing wetland and watershed management programs consistent with goals stated in section 101 of the Federal Water Pollution Control Act and section 802 of this Act. Such plans shall be integrated with (where appropriate) or coordinated with planning efforts pursuant to section 319 of the Federal Water Pollution Control Act. Such programs shall, at a minimum, involve the inventory of wetland resources and the adoption of plans and policies to help achieve the goal of no net loss of wetland resources on a watershed basis. Other goals may include, but are not limited to:

(1) Integration of wetland planning and management with broader water resource and land use planning and management, including flood control, water supply, storm water management, and control of point and nonpoint source pollution.

(2) Adoption of measures to increase consistency in Federal, State, and local wetland definitions, delineation, and permitting approaches.

(3) Establishment of management strategies for restoring wetlands on a watershed basis.

(c) GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.—Subject to the requirements of this section, the Administrator may make grants to States which assist the Federal Government in the implementation of the section 404 Federal Water Pollution Control program through State assumption of permitting pursuant to sections 404(g) and 404(h) of such Act through State permitting through a State programmatic general permit pursuant to section 404(e) of such Act or through monitoring and enforcement activities. In order to be eligible to receive a grant under this section a State shall provide assurances satisfactory to the Administrator that amounts received by the State in grants under this section will be used to issue regulatory permits or to enforce regulations consistent with the overall goals of section 802 and the standards and procedures of section 404(g) or 404(e) of this Act.

(d) MAXIMUM AMOUNT.—No State may receive more than $500,000 in total grants under subsections (a), (b), and (c) in any fiscal year and more than $300,000 in grants for subsection (a), (b), or (c), individually.

(e) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts made available in grants under this section shall not exceed 75 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

SEC. 806. NATIONAL COOPERATIVE WETLAND ECOSYSTEM RESTORATION STRATEGY.

(a) DEVELOPMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in cooperation with other Federal agencies, State, and local governments, and representatives of the private sector, shall initiate the development of a National Cooperative Wetland Ecosystem Restoration Strategy.

(b) GOALS.—The goal of the National Cooperative Wetland Ecosystem Restoration Strategy shall be to restore damaged and degraded wetland and riparian ecosystems consistent with the goals of the Water Pollution Control Amendments and the goals of section 802, and the recommendations of the National Academy of Sciences with regard to the restoration of aquatic ecosystems.

(c) FUNCTIONS.—The National Cooperative Wetland Ecosystem Restoration Strategy shall—

(1) be designed to help coordinate and promote restoration efforts by Federal, State, regional, and local governments and the private sector, including efforts authorized by the Coastal Wetlands Planning, Protection, and Restoration Act, the North American Waterfowl Management Plan, the Wetlands Reserve Program, and the wetland restoration efforts on Federal, State, local, and private lands;

(2) involve the Federal, State, and local Wetlands Coordination Committee established pursuant to section 804;

(3) inventory and evaluate existing restoration efforts and make suggestions for the establishment of new watershed specific efforts consistent with existing Federal programs and State, regional, and local wetland protection and management efforts;

(4) evaluate the role presently being played by wetland restoration in both regulatory and nonregulatory contexts and the relative success of wetland restoration in these contexts;

(5) develop criteria for identifying wetland restoration sites on a watershed basis, procedures for wetlands restoration, and ecological criteria for wetlands restoration; and

(6) identify regulatory obstacles to wetlands ecosystem restoration and recommend methods to reduce such obstacles.

SEC. 807. PERMITS FOR DISCHARGE OF DREDGED OR FILL MATERIAL.

(a) PERMIT MONITORING AND TRACKING.—Section 404(a) (33 U.S.C. 1344) is amended by adding at the end thereof the following: ''The Secretary shall, in cooperation with the Administrator, establish a permit monitoring and tracking programs on a watershed basis to monitor the cumulative impact of individual and general permits issued under this section. This program shall determine the impact of permitted activities in relationship to the no net loss goal. Results shall be reported biannually to Congress.''.

(b) ISSUANCE OF GENERAL PERMITS.—Paragraph (1) of section 404(e) is amended by inserting ''local,'' before ''State, regional, or nationwide basis'' in the first sentence.

(c) REVOCATION OR MODIFICATION OF GENERAL PERMITS.—Paragraph (2) of section 404(e) is amended by striking the period at the end and inserting ''or a State or local government has failed to adequately monitor and control the individual and cumulative adverse effects of activities authorized by State or local programmatic general permits.''.

(d) PROGRAMMATIC GENERAL PERMITS.—Section 404(e) is amended by adding at the end thereof the following new paragraph:

''(3) PROGRAMMATIC GENERAL PERMITS.—Consistent with the following requirements, the Secretary may, after notice and opportunity for public comment, issue State or local programmatic general permits for the purpose of avoiding unnecessary duplication of regulations by State, regional, and local regulatory programs:

''(A) The Secretary may issue a programmatic general permit based on a State, regional, or local government regulatory program if that general permit includes adequate safeguards to ensure that the State,

regional, or local program will have no more than minimal cumulative impacts on the environment and will provide at least the same degree of protection for the environment, including all waters of the United States, and for Federal interests, as is provided by this section and by the Federal permitting program pursuant to section 404(a). Such safeguards shall include provisions whereby the Corps District Engineer and the Regional Administrators or Directors of the Environmental Protection Agency, the United States Fish and Wildlife Service, and the National Marine Fisheries Service (where appropriate), shall have an opportunity to review permit applications submitted to the State, regional, or local regulatory agency which would have more than minimal individual or cumulative adverse impacts on the environment, attempt to resolve any environmental concern or protect any Federal interest at issue, and, if such concern is not adequately addressed by the State, local, or regional agency, require the processing of an individual Federal permit under this section for the specific proposed activity. The Secretary shall ensure that the District Engineer will utilize this authority to protect all Federal interests including, but not limited to, national security, navigation, flood control, Federal endangered or threatened species, Federal interests under the Wild and Scenic Rivers Act, special aquatic sites of national importance, and other interests of overriding national importance. Any programmatic general permit issued under this subsection shall be consistent with the guidelines promulgated to implement subsection (b)(1).

''(B) In addition to the requirements of subparagraph (A), the Secretary shall not promulgate any local or regional programmatic general permit based on a local or regional government's regulatory program unless the responsible unit of government has also adopted a wetland and watershed management plan and is administering regulations to implement this plan. The watershed management plan shall include—

''(i) the designation of a local or regional regulatory agency which shall be responsible for issuing permits under the plan and for making reports every 2 years on implementation of the plan and on the losses and gains in functions and acres of wetland within the watershed plan area;

''(ii) mapping of—

''(I) the boundary of the plan area;

''(II) all wetlands and waters within the plan area as well as other areas proposed for protection under the plan; and

''(III) proposed wetland restoration or creation sites with a description of their intended functions upon completion and the time required for completion;

''(iii) a description of the regulatory policies and standards applicable to all wetlands and waters within the plan areas and all activities which may affect these wetlands and waters that will assure, at a minimum, no net loss of the functions and acres of wetlands within the plan area; and

''(iv) demonstration that the regulatory agency has the legal authority and scientific monitoring capability to carry out the proposed plan including the issuance, monitoring, and enforcement of permits in compliance with the plan.''.

(e) GRANDFATHER OF EXISTING GENERAL PERMITS.—Section 404(e) is further amended by adding at the end the following:

''(4) GRANDFATHER OF EXISTING GENERAL PERMITS.—General permits in effect on day before the date of the enactment of the Wetlands and Watershed Management Act of 1995 shall remain in effect until otherwise modified by the Secretary.''.

(f) DISCHARGES NOT REQUIRING A PERMIT.—Section 404(f) (33 U.S.C. 1344(f)) is amended by striking the subsection designation and paragraph (1) and inserting the following:

''(f) EXEMPTIONS.—

''(1) ACTIVITIES NOT REQUIRING PERMIT.—

''(A) IN GENERAL.—Activities are exempt from the requirements of this section and are not prohibited by or otherwise subject to regulation under this section or section 301 or 402 of this Act (except effluent standards or prohibitions under section 307 of this Act) if such activities—

''(i) result from normal farming, silviculture, aquaculture, and ranching activities and practices, including but not limited to plowing, seeding, cultivating, haying, grazing, normal maintenance activities, minor drainage, burning of vegetation in connection with such activities, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

''(ii) are for the purpose of maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, flood control channels or other engineered flood control facilities, water control structures, water supply reservoirs (where such maintenance involves periodic water level drawdowns) which provide water predominantly to public drinking water systems, groins, riprap, breakwaters, utility distribution and transmission lines, causeways, and bridge abutments or approaches, and transportation structures;

''(iii) are for the purpose of construction or maintenance of farm, stock or aquaculture ponds, wastewater retention facilities (including dikes and berms) that are used by concentrated animal feeding operations, or irrigation canals and ditches or the maintenance or reconstruction of drainage ditches and tile lines;

''(iv) are for the purpose of construction of temporary sedimentation basins on a construction site, or the construction of any upland dredged material disposal area, which does not include placement of fill material into the navigable waters;

''(v) are for the purpose of construction or maintenance of farm roads or forest roads, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the waters are not impaired, that the reach of the waters is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized;

''(vi) are undertaken on farmed wetlands, except that any change in use of such land for the purpose of undertaking activities that are not exempt from regulation under this subsection shall be subject to the requirements of this section to the extent that such farmed wetlands are 'wetlands' under this section;

''(vii) are undertaken in incidentally created wetlands, unless such incidentally created wetlands have exhibited wetlands functions and values for more than 5 years in which case activities undertaken in such wetlands shall be subject to the requirements of this section; and

''(viii) are for the purpose of preserving and enhancing aviation safety or are undertaken in order to prevent an airport hazard.''.

(g) AREAS NOT CONSIDERED TO BE NAVIGABLE WATERS.—Section 404(f) is further amended by adding the following:

''(3) AREAS NOT CONSIDERED TO BE NAVIGABLE WATERS.—

''(A) IN GENERAL.—For purposes of this section, the following shall not be considered navigable waters:

''(i) Irrigation ditches excavated in uplands.

''(ii) Artificially irrigated areas which would revert to uplands if the irrigation ceased.

''(iii) Artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and which are used exclusively for stock watering, irrigation, or rice growing.

''(iv) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking uplands to retain water for primarily aesthetic reasons.

''(v) Temporary, water filled depressions created in uplands incidental to construction activity.

''(vi) Pits excavated in uplands for the purpose of obtaining fill, sand, gravel, aggregates, or minerals, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.

''(vii) Artificial stormwater detention areas and artificial sewage treatment areas which are not modified natural waters.

''(B) DEMONSTRATION REQUIRED.—Subparagraph (A) shall not apply to a particular water body unless the person desiring to discharge dredged or fill material in that water body is able to demonstrate that the water body qualifies under subparagraph (A) for exemption from regulation under this section.''.

SEC. 808. TECHNICAL ASSISTANCE TO PRIVATE LANDOWNERS, CODIFICATION OF REGULATIONS AND POLICIES.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(u)(1) The Secretary and the Administrator shall in cooperation with the United States Fish and Wildlife Service, Natural Resources Conservation Service, and National Marine Fisheries Service provide technical assistance to private landowners in delineation of wetlands and the planning and management of their wetlands. This assistance shall include—

''(A) the delineation of wetland boundaries within 90 days (providing on the ground conditions allow) of a request for such delineation for a project with a proposed individual permit application under this section and a total assessed value of less than $15,000; and

''(B) the provision of technical assistance to owners of wetlands in the preparation of wetland management plans for their lands to protect and restore wetlands and meet other goals of this Act, including control of nonpoint and point sources of pollution, prevention and reduction of erosion, and protection of estuaries and lakes.

''(2) The Secretary shall prepare, update on a biannual basis, and make available to the public for purchase at cost, an indexed publication containing all Federal regulations, general permits, and regulatory guidance letters relevant to the permitting of activities in wetland areas pursuant to section 404(a). The Secretary and the Administrator shall also prepare and distribute brochures and pamphlets for the public addressing—

''(A) the delineation of wetlands,

''(B) wetland permitting requirements; and

''(C) wetland restoration and other matters considered relevant.''.

SEC. 809. DELINEATION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(v) DELINEATION.—

''(1) IN GENERAL.—The United States Army Corps of Engineers, the United States Environmental Protection Agency, and other Federal agencies shall use the 1987 Corps of Engineers Manual for the Delineation of Jurisdictional Wetlands pursuant to this section until a new manual has been prepared and formally adopted by the Corps and the

Environmental Protection Agency with input from the United States Fish and Wildlife Service, Natural Resources, Natural Resources Conservation Service, and other relevant agencies and adopted after field testing, hearing, and public comment. Any new manual shall take into account the conclusions of the National Academy of Sciences panel concerning the delineation of wetlands. The Corps, in cooperation with the Environmental Protection Agency and the Department of Agriculture, shall develop materials and conduct training courses for consultants, State, and local governments, and landowners explaining the use of the Corps 1987 wetland manual in the delineation of wetland areas. The Corps, in cooperation with the Environmental Protection Agency and the Department of Agriculture, may also, in cooperation with the States, develop supplemental criteria and procedures for identification of regional wetland types. Such criteria and procedures may include supplemental plant and soil lists and supplementary technical criteria pertaining to wetland hydrology, soils, and vegetation.

''(2) AGRICULTURAL LANDS.—

''(A) DELINEATION BY SECRETARY OF AGRICULTURE.—For purposes of this section, wetlands located on agricultural lands and associated nonagricultural lands shall be delineated solely by the Secretary of Agriculture in accordance with section 1222(j) of the Food Security Act of 1985 (16 U.S.C. 3822(j)).

''(B) EXEMPTION OF LANDS EXEMPTED UNDER FOOD SECURITY ACT.—Any area of agricultural land or any discharge related to the land determined to be exempt from the requirements of subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall also be exempt from the requirements of this section for such period of time as those lands are used as agricultural lands.

''(C) EFFECT OF APPEAL DETERMINATION PURSUANT TO FOOD SECURITY ACT.—Any area of agricultural land or any discharge related to the land determined to be exempt pursuant to an appeal taken pursuant to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall be exempt under this section for such period of time as those lands are used as agricultural lands.''.

SEC. 810. FAST TRACK FOR MINOR PERMITS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(w)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall issue regulations to explore the review and practice of individual permits for minor activities. Minor activities include activities of 1 acre or less in size which also have minor direct, secondary, or cumulative impacts.

''(2) Permit applications for minor permits shall ordinarily be processed within 60 days of the receipt of completed application.

''(3) The Secretary shall establish fast-track field teams or other procedures in the individual offices sufficient to expedite the processing of the individual permits involving minor activities.''.

SEC. 811. COMPENSATORY MITIGATION.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(x) GENERAL REQUIREMENTS.—(1) Each permit issued under this section that results in loss of wetland functions or acreage shall require compensatory mitigation. The preferred sequence of mitigation options is as set forth in subparagraph (A) and (C). However, the Secretary shall have sufficient flexibility to approve practical options that provide the most protection to the resource—

''(A) measures shall first be undertaken by the permittee to avoid any adverse effects on wetlands caused by activities authorized by the permit.

''(B) measures shall be undertaken by the permittee to minimize any such adverse effects that cannot be avoided;

''(C) measures shall then be undertaken by the permittee to compensate for adverse impacts on wetland functions, values, and acreage;

''(D) where compensatory mitigation is used, preference shall be given to in-kind restoration on the same water body and within the same local watershed;

''(E) where on-site and in-kind compensatory mitigation are impossible, impractical, would fail to work in the circumstances, or would not make ecological sense, off-site and/or out-of-kind compensatory mitigation may be permitted within the watershed including participation in cooperative mitigation ventures or mitigation banks as provided in section 404(y).

''(2) The Secretary in consultation with the Administrator shall ensure that compensable mitigation by a permitee—

''(A) is a specific, enforceable condition of the permit for which it is required;

''(B) will meet defined success criteria; and

''(C) is monitored to ensure compliance with the conditions of the permit and to determine the effectiveness of the mitigation in compensating for the adverse effects for which it is required.''.

SEC. 812. COOPERATIVE MITIGATION VENTURES AND MITIGATION BANKS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(y)(1) Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly issue rules for a system of cooperative mitigation ventures and wetland banks. Such rules shall, at the minimum, address the following topics:

''(A) Mitigation banks and cooperative ventures may be used on a watershed basis to compensate for unavoidable wetland losses which cannot be compensated on-site due to inadequate hydrologic conditions, excessive sedimentation, water pollution, or other problems. Mitigation banks and cooperative ventures may also be used to improve the potential success of compensatory mitigation through the use of larger projects, by locating projects in areas in more favorable short-term and long-term hydrology and proximity to other wetlands and waters, and by helping to ensure short-term and long-term project protection, monitoring, and maintenance.

''(B) Parties who may establish mitigation banks and cooperative mitigation ventures for use in specific context and for particular types of wetlands may include government agencies, nonprofits, and private individuals.

''(C) Surveys and inventories on a watershed basis of potential mitigation sites throughout a region or State shall ordinarily be required prior to the establishment of mitigation banks and cooperative ventures pursuant to this section.

''(D) Mitigation banks and cooperative mitigation ventures shall be used in a manner consistent with the sequencing requirements to mitigate unavoidable wetland impacts. Impacts should be mitigated within the watershed and water body if possible with on-site mitigation preferable as set forth in section 404(x).

''(E) The long-term security of ownership interests of wetlands and uplands on which projects are conducted shall be insured to protect the wetlands values associated with those wetlands and uplands;

''(F) Methods shall be specified to determine debits by evaluating wetland functions, values, and acreages at the sites of proposed permits for discharges or alternations pursuant to subsections (a), (c), and (g) and methods to be used to determine credits based upon functions, values, and acreages at the times of mitigation banks and cooperative mitigation ventures.

''(G) Geographic restrictions on the use of banks and cooperative mitigation ventures shall be specified. In general, mitigation banks or cooperative ventures shall be located on the same water body as impacted wetlands. If this is not possible or practical, banks or ventures shall be located as near as possible to impacted projects with preference given to the same watershed where the impact is occurring.

''(H) Compensation ratios for restoration, creation, enhancement, and preservation reflecting and overall goal of no net loss of function and the status of scientific knowledge with regard to compensation for individual wetlands, risks, costs, and other relevant factors shall be specified. A minimum restoration compensation ratio of 1:1 shall be required for restoration of lost acreage with larger compensation ratios for wetland creation, enhancement and preservation.

''(I) Fees to be charged for participation in a bank or cooperative mitigation venture shall be based upon the costs of replacing lost functions and acreage on-site and off-site; the risks of project failure, the costs of long-term maintenance, monitoring, and protection, and other relevant factors.

''(J) Responsibilities for long-term monitoring, maintenance, and protection shall be specified.

''(K) Public review of proposals for mitigation banks and cooperative mitigation ventures through one or more public hearings shall be provided.

''(2) The Secretary, in consultation with the Administrator, is authorized to establish and implement a demonstration program for creating and implementing mitigation banks and cooperative ventures and for evaluating alternative approaches for mitigation banks and cooperative mitigation ventures as a means of contributing to the goals established by section 101(a)(8) or section 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403). The Secretary shall also monitor and evaluate existing banks and cooperative ventures and establish a number of such banks and cooperative ventures to test and demonstrate:

''(A) The technical feasibility of compensation for lost on-site values through off-site cooperative mitigation ventures and mitigation banks.

''(B) Techniques for evaluating lost wetland functions and values at sites for which permits are sought pursuant to section 404(a) and techniques for determining appropriate credits and debits at the sites of cooperative mitigation ventures and mitigation banks.

''(C) The adequacy of alternative institutional arrangements for establishing and administering mitigation banks and cooperative mitigation ventures.

''(D) The appropriate geographical locations of bank or cooperative mitigation ventures in compensation for lost functions and values.

''(E) Mechanisms for ensuring short-term and long-term project monitoring and maintenance.

''(F) Techniques and incentives for involving private individuals in establishing and implementing mitigation banks and cooperative mitigation ventures.

Not later than 3 years after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report evaluating mitigation banks and cooperative ventures. The Secretary shall also, within this time period, prepare educational materials and conduct training programs with regard to the use of mitigation banks and cooperative ventures.''.

SEC. 813. WETLANDS MONITORING AND RESEARCH.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(z) The Secretary, in cooperation with the Administrator, the Secretary of Agriculture, the Director of the United States Fish and Wildlife Service, and appropriate State and local government entities, shall initiate, with opportunity for public notice and comment, a research program of wetlands and watershed management. The purposes of the research program shall include, but not be limited—

''(1) to study the functions, values and management needs of altered, artificial, and managed wetland systems including lands that were converted to production of commodity crops prior to December 23, 1985, and report to Congress within 2 years of the date of the enactment of this subsection;

''(2) to study techniques for managing and restoring wetlands within a watershed context;

''(3) to study techniques for better coordinating and integrating wetland, floodplain, stormwater, point and nonpoint source pollution controls, and water supply planning and plan implementation on a watershed basis at all levels of government; and

''(4) to establish a national wetland regulatory tracking program on a watershed basis.

This program shall track the individual and cumulative impact of permits issued pursuant to section 404(a), 404(e), and 404(h) in terms of types of permits issued, conditions, and approvals. The tracking program shall also include mitigation required in terms of the amount required, types required, and compliance.''.

SEC. 814. ADMINISTRATIVE APPEALS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(aa) ADMINISTRATIVE APPEALS.—

''(1) REGULATIONS ESTABLISHING PROCEDURES.—Not later than 1 year after the date of the enactment of the Wetlands and Watershed Management Act of 1995, the Secretary shall, after providing notice and opportunity for public comment, issue regulations establishing procedures pursuant to which—

''(A) a landowner may appeal a determination of regulatory jurisdiction under this section with respect to a parcel of the landowner's property;

''(B) a landowner may appeal a wetlands classification under this section with respect to a parcel of the landowner's property;

''(C) any person may appeal a determination that the proposed activity on the landowner's property is not exempt under subsection (f);

''(D) a landowner may appeal a determination that an activity on the landowner's property does not qualify under a general permit issued under this section;

''(E) an applicant for a permit under this section may appeal a determination made pursuant to this section to deny issuance of the permit or to impose a requirement under the permit; and

''(F) a landowner or any other person required to restore or otherwise alter a parcel of property pursuant to an order issued under this section may appeal such order.

''(2) DEADLINE FOR FILING APPEAL.—An appeal brought pursuant to this subsection shall be filed not later than 30 days after the date on which the decision or action on which the appeal is based occurs.

''(3) DEADLINE FOR DECISION.—An appeal brought pursuant to this subsection shall be decided not later than 90 days after the date on which the appeal is filed.

''(4) PARTICIPATION IN APPEALS PROCESS.—Any person who participated in the public comment process concerning a decision or action that is the subject of an appeal brought pursuant to this subsection may participate in such appeal with respect to those issues raised in the person's written public comments.

''(5) DECISIONMAKER.—An appeal brought pursuant to this subsection shall be heard and decided by an appropriate and impartial official of the Federal Government, other than the official who made the determination or carried out the action that is the subject of the appeal.

''(6) STAY OF PENALTIES AND MITIGATION.—A landowner or any other person who has filed an appeal under this subsection shall not be required to pay a penalty or perform mitigation or restoration assessed under this section or section 309 until after the appeal has been decided.''.

SEC. 815. CRANBERRY PRODUCTION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(bb) CRANBERRY PRODUCTION.—Activities associated with expansion, improvement, or modification of existing cranberry production operations shall be deemed in compliance, for purposes of sections 309 and 505, with section 301, if—

''(1) the activity does not result in the modification of more than 10 acres of wetlands per operator per year and the modified wetlands (other than where dikes and other necessary facilities are placed) remain as wetlands or other waters of the United States; or

''(2) the activity is required by any State or Federal water quality program.''.

SEC. 816. STATE CLASSIFICATION SYSTEMS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(cc) STATE CLASSIFICATION SYSTEMS.—

''(1) GUIDELINES.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, in consultation with the Administrator, the Secretary of Agriculture, and the Director of the United States Fish and Wildlife Service, shall establish guidelines to aid States and Indian tribes in establishing classification systems for the planning, managing, and regulating of wetlands.

''(2) ESTABLISHMENT.—In accordance with the guidelines established under paragraph (1), a State or Indian tribe may establish a wetlands classification system for lands of the State or Indian tribe and may submit such classification system to the Secretary for approval. Upon approval, the Secretary shall use such classification system in making permit determinations and establishing mitigation requirements for lands of the State or Indian tribe under this section.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect a State with an approved program under subsection (h) or a State with a wetlands classification system in effect on the date of the enactment of this subsection.''.

SEC. 817. DEFINITIONS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(26) The term 'wetland' means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

''(27) The term 'discharge of dredged or fill material' means the act of discharging and any related act of filling, grading, draining, dredging, excavation, channelization, flooding, clearing of vegetation, driving of piling or placement of other obstructions, diversion of water, or other activities in navigable waters which impair the flow, reach, or circulation of surface water, or which result in a more than minimal change in the hydrologic regime, bottom contour, or configuration of such waters, or in the type, distribution, or diversity of vegetation in such waters.

''(28) The term 'mitigation bank' shall mean wetland restoration, creation, or enhancement projects undertaken primarily for the purpose of providing mitigation compensation credits for wetland losses from future activities. Often these activities will be, as yet, undefined.

''(29) The term 'cooperative mitigation ventures' shall mean wetland restoration, creation, or enhancement projects undertaken jointly by several parties (such as private, public, and nonprofit parties) with the primary goal of providing compensation for wetland losses from existing or specific proposed activities. Some compensation credits may also be provided for future as yet undefined activities. Most cooperative mitigation ventures will involve at least one private and one public cooperating party.

''(30) The term 'normal farming, silviculture, aquaculture and ranching activities' means normal practices identified as such by the Secretary of Agriculture, in consultation with the Cooperative Extension Service for each State and the land grant university system and agricultural colleges of the State, taking into account existing practices and such other practices as may be identified in consultation with the affected industry or community.

''(31) The term 'agricultural land' means cropland, pastureland, native pasture, rangeland, an orchard, a vineyard, nonindustrial forest land, an area that supports a water dependent crop (including cranberries, taro, watercress, or rice), and any other land used to produce or support the production of an annual or perennial crop (including forage or hay), aquaculture product, nursery product, or wetland crop or the production of livestock.''.

H.R. 961

OFFERED BY: MR. BONIOR

AMENDMENT NO. 7: Page 22, strike lines 12 through 22.

Page 22, line 23, strike ''(c)'' and insert ''(b)''.

Page 27, line 8, strike ''(d)'' and insert ''(c)''.

H.R. 961

OFFERED BY: MR. BORSKI

AMENDMENT NO. 8: Page 239, strike line 3 and all that follows through line 22 on page 322 and insert the following:

TITLE VIII—WETLANDS CONSERVATION AND MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Wetlands and Watershed Management Act of 1995''.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

(1) Wetlands perform a number of valuable functions needed to restore and maintain the chemical, physical, and biological integrity of the Nation's waters, including—

(A) reducing pollutants (including nutrients, sediment, and toxics) from nonpoint and point sources;

(B) storing, conveying, and purifying flood and storm waters;

(C) reducing both bank erosion and wave and storm damage to adjacent lands and trapping sediment from upland sources;

(D) providing habitat and food sources for a broad range of commercial and recreational fish, shellfish, and migratory wildlife species (including waterfowl and endangered species); and

(E) providing a broad range of recreational values for canoeing, boating, birding, and nature study and observation.

(2) Original wetlands in the contiguous United States have been reduced by an estimated 50 percent and continue to disappear at a rate of 200,000 to 300,000 acres a year. Many of these original wetlands have also been altered or partially degraded, reducing their ecological value.

(3) Wetlands are highly sensitive to changes in water regimes and are, therefore, susceptible to degradation by fills, drainage, grading, water extractions, and other activities within their watersheds which affect the quantity, quality, and flow of surface and ground waters. Protection and management of wetlands, therefore, should be integrated with management of water systems on a watershed basis. A watershed protection and management perspective is also needed to understand and reverse the gradual, continued destruction of wetlands that occurs due to cumulative impacts.

(4) Wetlands constitute an estimated 5 percent of the Nation's surface area. Because much of this land is in private ownership wetlands protection and management strategies must take into consideration private property rights and the need for economic development and growth. This can be best accomplished in the context of a cooperative and coordinated Federal, State, and local strategy for data gathering, planning, management, and restoration with an emphasis on advance planning of wetlands in watershed contexts.

(b) PURPOSES.—The purposes of this Act are—

(1) to help create a coordinated national wetland management effort with efficient use of scarce Federal, State, and local financial and manpower resources to protect wetland functions and values and reduce natural hazard losses;

(2) to help reverse the trend of wetland loss in a fair, efficient, and cost-effective manner;

(3) to reduce inconsistencies and duplication in Federal, State, and local wetland management efforts and encourage integrated permitting at the Federal, State, and local levels;

(4) to increase technical assistance, cooperative training, and educational opportunities for States, local governments, and private landowners;

(5) to help integrate wetland protection and management with other water resource management programs on a watershed basis such as flood control, storm water management, allocation of water supply, protection of fish and wildlife, and point and nonpoint source pollution control;

(6) to increase regionalization of wetland delineation and management policies within a framework of national policies through advance planning of wetland areas, programmatic general permits and other approaches and the tailoring of policies to ecosystem and land use needs to reflect significant watershed variance in wetland resources;

(7) to address the cumulative loss of wetland resources;

(8) to increase the certainty and predictability of planning and regulatory policies for private landowners;

(9) to help achieve no overall net loss and net gain of the remaining wetland base of the United States through watershed-based restoration strategies involving all levels of government;

(10) to restore and create wetlands in order to increase the quality and quantity of the wetland resources and by so doing to restore and maintain the quality and quantity of the waters of the United States; and

(11) to provide mechanisms for joint State, Federal, and local development and testing of approaches to better protect wetland resources such as mitigation banking.

SEC. 803. STATE, LOCAL, AND LANDOWNER TECHNICAL ASSISTANCE AND COOPERATIVE TRAINING.

(a) STATE AND LOCAL TECHNICAL ASSISTANCE.—Upon request, the Administrator, or the Secretary of the Army, as appropriate, shall provide technical assistance to State and local governments in the development and implementation of State and local government permitting programs under sections 404(e) and 404(h) of the Federal Water Pollution Control Act, State wetland conservation plans under section 805, and regional or local wetland management plans under section 805.

(b) COOPERATIVE TRAINING.—The Administrator and the Secretary, in cooperation with the Coordinating Committee established pursuant to section 804, shall conduct training courses for States and local governments involving wetland delineation, utilization of wetlands in nonpoint pollution control, wetland and stream restoration, wetland planning, wetland evaluation, mitigation banking, and other subjects deemed appropriate by the Administrator or Secretary.

(c) PRIVATE LANDOWNER TECHNICAL ASSISTANCE.—The Administrator and Secretary shall, in cooperation with the Coordination Committee, and appropriate Federal agencies develop and provide to private landowners guidebooks, pamphlets, or other materials and technical assistance to help them in identifying and evaluating wetlands, developing integrated wetland management plans for their lands consistent with the goals of this Act and the Federal Water Pollution Control Act, and restoring wetlands.

SEC. 804. FEDERAL, STATE, AND LOCAL GOVERNMENT COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a Federal, State, and Local Government Wetlands Coordinating Committee (hereinafter in this section referred to as the ''Committee'').

(b) FUNCTIONS.—The Committee shall—

(1) help coordinate Federal, State, and local wetland planning, regulatory, and restoration programs on an ongoing basis to reduce duplication, resolve potential conflicts, and efficiently allocate manpower and resources at all levels of government;

(2) provide comments to the Secretary of the Army or Administrator in adopting regulatory, policy, program, or technical guidance affecting wetland systems;

(3) help develop and field test, national policies prior to implementation such as wetland, delineation, classification of wetlands, methods for sequencing wetland mitigation responses, the utilization of mitigation banks;

(4) help develop and carry out joint technical assistance and cooperative training programs as provided in section 803;

(5) help develop criteria and implementation strategies for facilitating State conservation plans and strategies, local and regional wetland planning, wetland restoration and creation, and State and local permitting programs pursuant to section 404(e) or 404(g) of the Federal Water Pollution Control Act; and

(6) help develop a national strategy for the restoration of wetland ecosystems pursuant to section 6 of this Act.

(c) MEMBERSHIP.—The Committee shall be composed of 18 members as follows:

(1) The Administrator or the designee of the Administrator.

(2) The Secretary or the designee of the Secretary.

(3) The Director of the United States Fish and Wildlife Service or the designee of the Director.

(4) The Chief of the Natural Resources Conservation Service or the designee of the Chief.

(5) The Undersecretary for Oceans and Atmosphere or the designee of the Under Secretary.

(6) One individual appointed by the Administrator who will represent the National Governor's Association.

(7) One individual appointed by the Administrator who will represent the National Association of Counties.

(8) One individual appointed by the Administrator who will represent the National League of Cities.

(9) One State wetland expert from each of the 10 regions of the Environmental Protection Agency. Each member to be appointed under this paragraph shall be jointly appointed by the Governors of the States within the Environmental Protection Agency's region. If the Governors from a region cannot agree on such a representative, they will each submit a nomination to the Administrator and the Administrator will select a representative from such region.

(d) TERMS.—Each member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) shall be appointed for a term of 2 years.

(e) VACANCIES.—A vacancy in the Committee shall be filled, on or before the 30th day after the vacancy occurs, in the manner in which the original appointment was made.

(f) PAY.—Members shall serve without pay, but may receive travel expenses (including per diem in lieu of subsistence) in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) COCHAIRPERSONS.—The Administrator and one member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) (selected by such members) shall serve as cochairpersons of the Committee.

(h) QUORUM.—Two-thirds of the members of the Committee shall constitute a quorum but a lesser number may hold meetings.

(i) MEETINGS.—The Committee shall hold its first meeting not later than 120 days after the date of the enactment of this Act. The Committee shall meet at least twice each year thereafter. Meetings will be opened to the public.

SEC. 805. STATE AND LOCAL WETLAND CONSERVATION PLANS AND STRATEGIES; GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.

(a) STATE WETLAND CONSERVATION PLANS AND STRATEGIES.—Subject to the requirements of this section, the Administrator shall make grants to States and tribes to assist in the development and implementation of wetland conservation plans and strategies. More specific goals for such conservation plans and strategies may include:

(1) Inventorying State wetland resources, identifying individual and cumulative losses, identifying State and local programs applying to wetland resources, determining gaps in such programs, and making recommendations for filling those gaps.

(2) Developing and coordinating existing State, local, and regional programs for wetland management and protection on a watershed basis.

(3) Increasing the consistency of Federal, State, and local wetland definitions, delineation, and permitting approaches.

(4) Mapping and characterizing wetland resources on a watershed basis.

(5) Identifying sites with wetland restoration or creation potential.

(6) Establishing management strategies for reducing causes of wetland degradation and restoring wetlands on a watershed basis.

(7) Assisting regional and local governments prepare watershed plans for areas with a high percentage of lands classified as wetlands or otherwise in need of special management.

(8) Establishing and implementing State or local permitting programs under section 404(e) or 404(h) of the Federal Water Pollution Control Act.

(b) REGIONAL AND LOCAL WETLAND PLANNING, REGULATION, AND MANAGEMENT PROGRAMS.—Subject to the requirements of this section, the Administrator shall make grants to States which will, in turn, use this funding to make grants to regional and local governments to assist them in adopting and implementing wetland and watershed management programs consistent with goals stated in section 101 of the Federal Water Pollution Control Act and section 802 of this Act. Such plans shall be integrated with (where appropriate) or coordinated with planning efforts pursuant to section 319 of the Federal Water Pollution Control Act. Such programs shall, at a minimum, involve the inventory of wetland resources and the adoption of plans and policies to help achieve the goal of no net loss of wetland resources on a watershed basis. Other goals may include, but are not limited to:

(1) Integration of wetland planning and management with broader water resource and land use planning and management, including flood control, water supply, storm water management, and control of point and nonpoint source pollution.

(2) Adoption of measures to increase consistency in Federal, State, and local wetland definitions, delineation, and permitting approaches.

(3) Establishment of management strategies for restoring wetlands on a watershed basis.

(c) GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.—Subject to the requirements of this section, the Administrator may make grants to States which assist the Federal Government in the implementation of the section 404 Federal Water Pollution Control program through State assumption of permitting pursuant to sections 404(g) and 404(h) of such Act through State permitting through a State programmatic general permit pursuant to section 404(e) of such Act or through monitoring and enforcement activities. In order to be eligible to receive a grant under this section a State shall provide assurances satisfactory to the Administrator that amounts received by the State in grants under this section will be used to issue regulatory permits or to enforce regulations consistent with the overall goals of section 802 and the standards and procedures of section 404(g) or 404(e) of this Act.

(d) MAXIMUM AMOUNT.—No State may receive more than $500,000 in total grants under subsections (a), (b), and (c) in any fiscal year and more than $300,000 in grants for subsection (a), (b), or (c), individually.

(e) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts made available in grants under this section shall not exceed 75 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

SEC. 806. NATIONAL COOPERATIVE WETLAND ECOSYSTEM RESTORATION STRATEGY.

(a) DEVELOPMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in cooperation with other Federal agencies, State, and local governments, and representatives of the private sector, shall initiate the development of a National Cooperative Wetland Ecosystem Restoration Strategy.

(b) GOALS.—The goal of the National Cooperative Wetland Ecosystem Restoration Strategy shall be to restore damaged and degraded wetland and riparian ecosystems consistent with the goals of the Water Pollution Control Amendments and the goals of section 802, and the recommendations of the National Academy of Sciences with regard to the restoration of aquatic ecosystems.

(c) FUNCTIONS.—The National Cooperative Wetland Ecosystem Restoration Strategy shall—

(1) be designed to help coordinate and promote restoration efforts by Federal, State, regional, and local governments and the private sector, including efforts authorized by the Coastal Wetlands Planning, Protection, and Restoration Act, the North American Waterfowl Management Plan, the Wetlands Reserve Program, and the wetland restoration efforts on Federal, State, local, and private lands;

(2) involve the Federal, State, and local Wetlands Coordination Committee established pursuant to section 804;

(3) inventory and evaluate existing restoration efforts and make suggestions for the establishment of new watershed specific efforts consistent with existing Federal programs and State, regional, and local wetland protection and management efforts;

(4) evaluate the role presently being played by wetland restoration in both regulatory and nonregulatory contexts and the relative success of wetland restoration in these contexts;

(5) develop criteria for identifying wetland restoration sites on a watershed basis, procedures for wetlands restoration, and ecological criteria for wetlands restoration; and

(6) identify regulatory obstacles to wetlands ecosystem restoration and recommend methods to reduce such obstacles.

SEC. 807. PERMITS FOR DISCHARGE OF DREDGED OR FILL MATERIAL.

(a) Section 404(a) (33 U.S.C. 1344) is amended by adding at the end thereof the following: ''The Secretary shall, in cooperation with the Administrator, establish a permit monitoring and tracking programs on a watershed basis to monitor the cumulative impact of individual and general permits issued under this section. This program shall determine the impact of permitted activities in relationship to the no net loss goal. Results shall be reported biannually to Congress.''.

(b) Paragraph (1) of section 404(e) is amended by inserting ''local,'' before ''State, regional, or nationwide basis'' in the first sentence.

(c) Paragraph (2) of section 404(e) is amended by striking the period at the end and inserting ''or a State or local government has failed to adequately monitor and control the individual and cumulative adverse effects of activities authorized by State or local programmatic general permits.''.

(d) Section 404(e) is amended by adding at the end thereof the following new paragraph:

''(3) Consistent with the following requirements, the Secretary may, after notice and opportunity for public comment, issue State or local programmatic general permits for the purpose of avoiding unnecessary duplication of regulations by State, regional, and local regulatory programs:

''(A) The Secretary may issue a programmatic general permit based on a State, regional, or local government regulatory program if that general permit includes adequate safeguards to ensure that the State, regional, or local program will have no more than minimal cumulative impacts on the environment and will provide at least the same degree of protection for the environment, including all waters of the United States, and for Federal interests, as is provided by this section and by the Federal permitting program pursuant to section 404(a). Such safeguards shall include provisions whereby the Corps District Engineer and the Regional Administrators or Directors of the Environmental Protection Agency, the United States Fish and Wildlife Service, and the National Marine Fisheries Service (where appropriate), shall have an opportunity to review permit applications submitted to the State, regional, or local regulatory agency which would have more than minimal individual or cumulative adverse impacts on the environment, attempt to resolve any environmental concern or protect any Federal interest at issue, and, if such concern is not adequately addressed by the State, local, or regional agency, require the processing of an individual Federal permit under this section for the specific proposed activity. The Secretary shall ensure that the District Engineer will utilize this authority to protect all Federal interests including, but not limited to, national security, navigation, flood control, Federal endangered or threatened species, Federal interests under the Wild and Scenic Rivers Act, special aquatic sites of national importance, and other interests of overriding national importance. Any programmatic general permit issued under this subsection shall be consistent with the guidelines promulgated to implement subsection (b)(1).

''(B) In addition to the requirements of subparagraph (A), the Secretary shall not promulgate any local or regional programmatic general permit based on a local or regional government's regulatory program unless the responsible unit of government has also adopted a wetland and watershed management plan and is administering regulations to implement this plan. The watershed management plan shall include—

''(i) the designation of a local or regional regulatory agency which shall be responsible for issuing permits under the plan and for making reports every 2 years on implementation of the plan and on the losses and gains in functions and acres of wetland within the watershed plan area;

''(ii) mapping of—

''(I) the boundary of the plan area;

''(II) all wetlands and waters within the plan area as well as other areas proposed for protection under the plan; and

''(III) proposed wetland restoration or creation sites with a description of their intended functions upon completion and the time required for completion;

''(iii) a description of the regulatory policies and standards applicable to all wetlands and waters within the plan areas and all activities which may affect these wetlands and waters that will assure, at a minimum, no net loss of the functions and acres of wetlands within the plan area; and

''(iv) demonstration that the regulatory agency has the legal authority and scientific monitoring capability to carry out the proposed plan including the issuance, monitoring, and enforcement of permits in compliance with the plan.''.

(e) Section 404(f) is amended by adding the following:

''(3)(A) For purposes of this section, the following shall not be considered navigable waters:

''(i) Irrigation ditches excavated in uplands.

''(ii) Artificially irrigated areas which would revert to uplands if the irrigation ceased.

''(iii) Artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and which are used exclusively for stock watering, irrigation, or rice growing.

''(iv) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking uplands to retain water for primarily aesthetic reasons.

''(v) Temporary, water filled depressions created in uplands incidental to construction activity.

''(vi) Pits excavated in uplands for the purpose of obtaining fill, sand, gravel, aggregates, or minerals, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.

''(vii) Artificial stormwater detention areas and artificial sewage treatment areas which are not modified natural waters.

''(B) Subparagraph (A) shall not apply to a particular water body unless the person desiring to conduct an activity in that water body is able to demonstrate that the water body qualifies under subparagraph (A) for exemption from regulation under this section.''.

SEC. 808. TECHNICAL ASSISTANCE TO PRIVATE LANDOWNERS, CODIFICATION OF REGULATIONS AND POLICIES.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(u)(1) The Secretary and the Administrator shall in cooperation with the United States Fish and Wildlife Service, Natural Resources Conservation Service, and National Marine Fisheries Service provide technical assistance to private landowners in delineation of wetlands and the planning and management of their wetlands. This assistance shall include—

''(A) the delineation of wetland boundaries within 90 days (providing on the ground conditions allow) of a request for such delineation for a project with a proposed individual permit application under this section and a total assessed value of less than $15,000; and

''(B) the provision of technical assistance to owners of wetlands in the preparation of wetland management plans for their lands to protect and restore wetlands and meet other goals of this Act, including control of nonpoint and point sources of pollution, prevention and reduction of erosion, and protection of estuaries and lakes.

''(2) The Secretary shall prepare, update on a biannual basis, and make available to the public for purchase at cost, an indexed publication containing all Federal regulations, general permits, and regulatory guidance letters relevant to the permitting of activities in wetland areas pursuant to section 404(a). The Secretary and the Administrator shall also prepare and distribute brochures and pamphlets for the public addressing—

''(A) the delineation of wetlands,

''(B) wetland permitting requirements; and

''(C) wetland restoration and other matters considered relevant.''.

SEC. 809. DELINEATION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(v) The United States Army Corps of Engineers, the United States Environmental Protection Agency, and other Federal agencies shall use the 1987 Corps of Engineers Manual for the Delineation of Jurisdictional Wetlands pursuant to this section until a new manual has been prepared and formally adopted by the Corps and the Environmental Protection Agency with input from the United States Fish and Wildlife Service, Natural Resources, Natural Resources Conservation Service, and other relevant agencies and adopted after field testing, hearing, and public comment. Any new manual shall take into account the conclusions of the National Academy of Sciences panel concerning the delineation of wetlands. The Corps in cooperation with the Environmental Protection Agency shall develop materials and conduct training courses for consultants, State, and local governments, and landowners explaining the use of the corps 1987 wetland manual in the delineation of wetland areas. The Corps in cooperation with the Environmental Protection Agency may also, in cooperation with the States, develop supplemental criteria and procedures for identification of regional wetland types. Such criteria and procedures may include supplemental plant and soil lists and supplementary technical criteria pertaining to wetland hydrology, soils, and vegetation.''.

SEC. 810. FAST TRACK FOR MINOR PERMITS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(w)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall issue regulations to explore the review and practice of individual permits for minor activities. Minor activities include activities of 1 acre or less in size which also have minor direct, secondary, or cumulative impacts.

''(2) Permit applications for minor permits shall ordinarily be processed within 60 days of the receipt of completed application.

''(3) The Secretary shall establish fast-track field teams or other procedures in the individual offices sufficient to expedite the processing of the individual permits involving minor activities.''.

SEC. 811. COMPENSATORY MITIGATION.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(x) GENERAL REQUIREMENTS.—(1) Each permit issued under this section that results in loss of wetland functions or acreage shall require compensatory mitigation. The preferred sequence of mitigation options is as set forth in subparagraph (A) and (C). However, the Secretary shall have sufficient flexibility to approve practical options that provide the most protection to the resource—

''(A) measures shall first be undertaken by the permittee to avoid any adverse effects on wetlands caused by activities authorized by the permit.

''(B) measures shall be undertaken by the permittee to minimize any such adverse effects that cannot be avoided;

''(C) measures shall then be undertaken by the permittee to compensate for adverse impacts on wetland functions, values, and acreage;

''(D) where compensatory mitigation is used, preference shall be given to in-kind restoration on the same water body and within the same local watershed;

''(E) where on-site and in-kind compensatory mitigation are impossible, impractical, would fail to work in the circumstances, or would not make ecological sense, off-site and/or out-of-kind compensatory mitigation may be permitted within the watershed including participation in cooperative mitigation ventures or mitigation banks as provided in section 404(y).

''(2) The Secretary in consultation with the Administrator shall ensure that compensable mitigation by a permitee—

''(A) is a specific, enforceable condition of the permit for which it is required;

''(B) will meet defined success criteria; and

''(C) is monitored to ensure compliance with the conditions of the permit and to determine the effectiveness of the mitigation in compensating for the adverse effects for which it is required.''.

SEC. 812. COOPERATIVE MITIGATION VENTURES AND MITIGATION BANKS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(y)(1) Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly issue rules for a system of cooperative mitigation ventures and wetland banks. Such rules shall, at the minimum, address the following topics:

''(A) Mitigation banks and cooperative ventures may be used on a watershed basis to compensate for unavoidable wetland losses which cannot be compensated on-site due to inadequate hydrologic conditions, excessive sedimentation, water pollution, or other problems. Mitigation banks and cooperative ventures may also be used to improve the potential success of compensatory mitigation through the use of larger projects, by locating projects in areas in more favorable short-term and long-term hydrology and proximity to other wetlands and waters, and by helping to ensure short-term and long-term project protection, monitoring, and maintenance.

''(B) Parties who may establish mitigation banks and cooperative mitigation ventures for use in specific context and for particular types of wetlands may include government agencies, nonprofits, and private individuals.

''(C) Surveys and inventories on a watershed basis of potential mitigation sites throughout a region or State shall ordinarily be required prior to the establishment of mitigation banks and cooperative ventures pursuant to this section.

''(D) Mitigation banks and cooperative mitigation ventures shall be used in a manner consistent with the sequencing requirements to mitigate unavoidable wetland impacts. Impacts should be mitigated within the watershed and water body if possible with on-site mitigation preferable as set forth in section 404(x).

''(E) The long-term security of ownership interests of wetlands and uplands on which projects are conducted shall be insured to protect the wetlands values associated with those wetlands and uplands;

''(F) Methods shall be specified to determine debits by evaluating wetland functions, values, and acreages at the sites of proposed permits for discharges or alternations pursuant to subsections (a), (c), and (g) and methods to be used to determine credits based upon functions, values, and acreages at the times of mitigation banks and cooperative mitigation ventures.

''(G) Geographic restrictions on the use of banks and cooperative mitigation ventures shall be specified. In general, mitigation banks or cooperative ventures shall be located on the same water body as impacted wetlands. If this is not possible or practical, banks or ventures shall be located as near as possible to impacted projects with preference given to the same watershed where the impact is occurring.

''(H) Compensation ratios for restoration, creation, enhancement, and preservation reflecting and overall goal of no net loss of function and the status of scientific knowledge with regard to compensation for individual wetlands, risks, costs, and other relevant factors shall be specified. A minimum restoration compensation ratio of 1:1 shall be required for restoration of lost acreage with larger compensation ratios for wetland creation, enhancement and preservation.

''(I) Fees to be charged for participation in a bank or cooperative mitigation venture shall be based upon the costs of replacing lost functions and acreage on-site and off-site; the risks of project failure, the costs of long-term maintenance, monitoring, and protection, and other relevant factors.

''(J) Responsibilities for long-term monitoring, maintenance, and protection shall be specified.

''(K) Public review of proposals for mitigation banks and cooperative mitigation ventures through one or more public hearings shall be provided.

''(2) The Secretary, in consultation with the Administrator, is authorized to establish and implement a demonstration program for creating and implementing mitigation banks and cooperative ventures and for evaluating alternative approaches for mitigation banks and cooperative mitigation ventures as a means of contributing to the goals established by section 101(a)(8) or section 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403). The Secretary shall also monitor and evaluate existing banks and cooperative ventures and establish a number of such banks and cooperative ventures to test and demonstrate:

''(A) The technical feasibility of compensation for lost on-site values through off-site cooperative mitigation ventures and mitigation banks.

''(B) Techniques for evaluating lost wetland functions and values at sites for which permits are sought pursuant to section 404(a) and techniques for determining appropriate credits and debits at the sites of cooperative mitigation ventures and mitigation banks.

''(C) The adequacy of alternative institutional arrangements for establishing and administering mitigation banks and cooperative mitigation ventures.

''(D) The appropriate geographical locations of bank or cooperative mitigation ventures in compensation for lost functions and values.

''(E) Mechanisms for ensuring short-term and long-term project monitoring and maintenance.

''(F) Techniques and incentives for involving private individuals in establishing and implementing mitigation banks and cooperative mitigation ventures. Not later than 3 years after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report evaluating mitigation banks and cooperative ventures. The Secretary shall also, within this time period, prepare educational materials and conduct training programs with regard to the use of mitigation banks and cooperative ventures.''.

SEC. 813. WETLANDS MONITORING AND RESEARCH.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(z) The Secretary, in cooperation with the Administrator, the Director of the United States Fish and Wildlife Service, and appropriate State and local government entities, shall initiate, with opportunity for public notice and comment, a research program of wetlands and watershed management. The purposes of the research program shall include, but not be limited—

''(1) to study the functions, values and management needs of altered, artificial, and managed wetland systems including lands that were converted to production of commodity crops prior to December 23, 1985, and report to Congress within 2 years of the date of the enactment of this subsection;

''(2) to study techniques for managing and restoring wetlands within a watershed context;

''(3) to study techniques for better coordinating and integrating wetland, floodplain, stormwater, point and nonpoint source pollution controls, and water supply planning and plan implementation on a watershed basis at all levels of government; and

''(4) to establish a national wetland regulatory tracking program on a watershed basis.

This program shall track the individual and cumulative impact of permits issued pursuant to section 404(a), 404(e), and 404(h) in terms of types of permits issued, conditions, and approvals. The tracking program shall also include mitigation required in terms of the amount required, types required, and compliance.''.

SEC. 814. DEFINITIONS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(28) The term 'wetland' means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

''(29) The term 'discharge of dredged or fill material' means the act of discharging and any related act of filling, grading, draining, dredging, excavation, channelization, flooding, clearing of vegetation, driving of piling or placement of other obstructions, diversion of water, or other activities in navigable waters which impair the flow, reach, or circulation of surface water, or which result in a more than minimal change in the hydrologic regime, bottom contour, or configuration of such waters, or in the type, distribution, or diversity of vegetation in such waters.

''(30) The term 'mitigation bank' shall mean wetland restoration, creation, or enhancement projects undertaken primarily for the purpose of providing mitigation compensation credits for wetland losses from future activities. Often these activities will be, as yet, undefined.

''(31) The term 'cooperative mitigation ventures' shall mean wetland restoration, creation, or enhancement projects undertaken jointly by several parties (such as private, public, and nonprofit parties) with the primary goal of providing compensation for wetland losses from existing or specific proposed activities. Some compensation credits may also be provided for future as yet undefined activities. Most cooperative mitigation ventures will involve at least one private and one public cooperating party.''.

Conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MISS COLLINS OF MICHIGAN

AMENDMENT NO. 9: Page 62, after line 14, insert the following:

(d) CONSIDERATION OF CONSUMPTION PATTERNS.—Section 304(a) is further amended by adding at the end the following:

''(13) CONSIDERATION OF CONSUMPTION PATTERNS.—In developing human health and aquatic life criteria under this subsection, the Administrator shall take into account, where practicable, the consumption patterns of diverse segments of the population, including segments at disproportionately high risk, such as minority populations, children, and women of child-bearing age.''.

Page 62, line 15, strike ''(d)'' and insert ''(e)''.

Page 63, line 4, strike ''(e)'' and insert ''(f)''.

Page 63, line 24, strike ''(f)'' and insert ''(g)''.

Page 64, line 4, strike ''(g)'' and insert ''(h)''.

H.R. 961

OFFERED BY: MISS COLLINS OF MICHIGAN

AMENDMENT NO. 10: Page 73, strike lines 19 through 22 and insert the following:

(c) FISH CONSUMPTION ADVISORIES.—Section 304 (33 U.S.C. 1314) is amended by adding at the end the following:

''(o) FISH CONSUMPTION ADVISORIES.—

''(1) POSTING.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall propose and issue regulations establishing minimum, uniform requirements and procedures requiring States, either directly or through local authorities, to post signs, at reasonable and appropriate points of public access, on navigable waters or portions of navigable waters that significantly violate applicable water quality standards under this Act or that are subject to a fishing or shell-fishing ban, advisory, or consumption restriction (issued by a Federal, State, or local authority) due to fish or shellfish contamination.

''(2) SIGNS.—The regulations shall require the signs to be posted under this subsection—

''(A) to indicate clearly the water quality standard that is being violated or the nature and extent of the restriction on fish or shellfish consumption;

''(B) to be in English, and when appropriate, any language used by a large segment of the population in the immediate vicinity of the navigable waters;

''(C) to include a clear warning symbol; and

''(D) to be maintained until the body of water is consistently in compliance with the water quality standard or until all fish and shellfish consumption restrictions are terminated for the body of water or portion thereof.''.

H.R. 961

OFFERED BY: MISS COLLINS OF MICHIGAN

Page 73, after line 18, insert the following:

(c) FISH AND SHELLFISH SAMPLINGS.—Section 304 (33 U.S.C. 1314) is amended by adding at the end the following:

''(n) FISH AND SHELLFISH SAMPLINGS; MONITORING.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall propose and issue regulations to establish uniform and scientifically sound requirements and procedures for fish and shellfish sampling and analysis and uniform requirements for monitoring of navigable waters that do not meet applicable water quality standards under this Act or that are subject to a fishing or shell-fishing ban, advisory, or consumption restriction (issued by a Federal, State, or local authority) due to fish or shellfish contamination.''.

Page 73, line 19, strike ''(c)'' and insert ''(d)''.

H.R. 961

OFFERED BY: MISS COLLINS OF MICHIGAN

AMENDMENT NO. 12: Page 203, after line 8, insert the following:

SEC. 410. ENVIRONMENTAL JUSTICE REVIEW.

Section 402 (32 U.S.C. 1342) is further amended by adding at the end the following:

''(u) ENVIRONMENTAL JUSTICE REVIEW.—No permit may be issued under this section unless the Administrator or the State, as the case may be, first reviews the proposed permit to identify and reduce disproportionately high and adverse impacts to the health of, or environmental exposures of, minority and low-income populations.''.

Redesignate subsequent sections of the bill accordingly. Conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MISS COLLINS OF MICHIGAN

AMENDMENT NO. 13: Page 213, after line 14, insert the following:

SEC. 508. DATA COLLECTION.

Section 516 (33 U.S.C. 1375) is amended by inserting after subsection (e) the following:

''(f) DATA COLLECTION.—

''(1) IN GENERAL.—The Administrator shall, on an ongoing basis—

''(A) collect, maintain, and analyze data necessary to assess and compare the levels and sources of water pollution to which minority and low-income populations are disproportionately exposed; and

''(B) for waters receiving discharges in violation of permits issued under section 402 or waters with levels of pollutants exceeding applicable water quality standards under this Act, collect data on the frequency and volume of discharges of each pollutant for which a violation occurs into waters adjacent to or used by minority and low-income communities.

''(2) PUBLICATION.—The Administrator shall publish summaries of the data collected under this section annually.''.

Redesignate subsequent sections of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 236, strike lines 13 and 14.

Page 236, line 15, strike ''(k)'' and insert ''(j)''.

H.R. 961

OFFERED BY: MR. CRANE

AMENDMENT NO. 14: Page 311, strike line 16 and all that follows through line 9 on page 312.

H.R. 961

OFFERED BY: MR. EMERSON

AMENDMENT NO. 15: Insert the following new section into H.R. 961:

SEC. . FEDERAL POWER ACT PART I PROJECTS.

Section 511(a) of the Federal Water Pollution Control Act (33 U.S.C. §1371) is amended by adding after ''subject to section 10 of the Act of March 3, 1899,'' the following, and by renumbering the remaining paragraph accordingly:

''(3) applying to hydropower projects within the jurisdiction of the Federal Energy Regulatory Commission or its successors under the authority of Part I of the Federal Power Act (16 U.S.C. §§791 et seq.);''.

H.R. 961

OFFERED BY: MR. ENGLISH

AMENDMENT NO. 16: Page 284, strike lines 10 through 18.

Page 284, line 19, strike ''(3)'' and insert ''(2)''.

H.R. 961

OFFERED BY: MR. ENGLISH

AMENDMENT NO. 17: Page 249, line 13, strike ''20 percent'' and insert ''30 percent''.

H.R. 961

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT NO. 18: Page 323, strike line 1 and all that follows through line 23 on page 326 and insert the following:

TITLE IX—NAVIGATIONAL DREDGING

SEC. 901. REFERENCES TO ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.).

SEC. 902. ENVIRONMENTAL PROTECTION AGENCY PERMITS.

Section 102(c) (33 U.S.C. 1412(c)) is amended—

(1) in the first sentence of paragraph (3) by striking ''the Administrator, in conjunction with the Secretary,'' and inserting ''the Secretary, in conjunction with the Administrator,''; and

(2) in the second sentence of paragraph (3) by striking ''the Administrator and the Secretary'' and inserting ''the Secretary and the Administrator''.

SEC. 903. CORPS OF ENGINEERS PERMITS.

(a) DISPOSAL SITES.—Section 103(b) (33 U.S.C. 1413(b)) is amended—

(1) in the matter preceding paragraph (1) by striking '', with the concurrence of the Administrator,''; and

(2) in paragraph (3) by striking ''Administrator'' and inserting ''Secretary''.

(b) CONSULTATION WITH THE ADMINISTRATOR.—Section 103(c) (33 U.S.C. 1413(c)) is amended to read as follows:

''(c) CONSULTATION WITH THE ADMINISTRATOR.—Prior to issuing a permit to any person under this section, the Secretary shall first consult with the Administrator.''.

SEC. 904. PENALTIES.

Section 105 (33 U.S.C. 1415) is amended—

(1) in the first sentence by inserting ''or, with respect to violations of section 103, the Secretary'' before the period at the end;

(2) in the fourth, fifth, and sixth sentences by inserting ''or the Secretary, as the case may be,'' after ''Administrator'' each place it appears; and

(3) in subsection (g)(2)(C) by inserting ''or the Secretary, as the case may be,'' after ''the Administrator'' the first place it appears.

SEC. 905. ANNUAL REPORT.

Section 112 (33 U.S.C. 1421) is amended by striking ''with the concurrence of the Administrator''.

SEC. 906. REFERENCE TO COMMITTEE.

Section 104(i)(3) (33 U.S.C. 1414(i)(3)) is amended by striking ''Merchant Marine and Fisheries'' and inserting ''Transportation and Infrastructure''.

Conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT NO. 19: Page 101, line 18, before the period insert the following:

except that a coastal State may submit a portion of its management program relating to the coastal areas of the State at an earlier date in which case the Administrator shall approve or disapprove such portion under subsection (d) within 6 months of the date of such submission

H.R. 961

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT NO. 20: Page 108, line 7, after the first period insert the following:

Such rules and regulations shall provide for priority consideration in the award of grants to coastal States under this section to a coastal State which receives approval of its management program, or any portion of such program relating to the coastal zones of the State, on or before December 31, 1995.

H.R. 961

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT NO. 21: Page 97, line 22, before the closing quotation marks insert the following:

and, in watersheds of impaired or threatened waters in coastal zones, with coastal zones being defined as the federally approved State coastal management programs under the Coastal Zone Management Act of 1972, to implement model management practices and measures within 5 years of the date of the enactment of the Clean Water Amendments of 1995

H.R. 961

OFFERED BY: MR. FRELINGHUYSEN

Amendment No. 22: Page 305, after line 4, insert the following:

''(8) TREATMENT OF EXISTING PROGRAMS.—Any State which has received approval to administer a program pursuant to this subsection before the date of the enactment of the Comprehensive Wetlands Conservation and Management Act of 1995 shall not be required to reapply for approval and shall be permitted to continue administering such program.

H.R. 961

OFFERED BY: MR. FRELINGHUYSEN

AMENDMENT NO. 23: In the matter proposed to be inserted as section 404(l) of the Federal Water Pollution Control Act by section 803 of the bill (as amended by Mr. Shuster's amendment) strike paragraph (8) and insert the following:

''(8) TREATMENT OF EXISTING PROGRAMS.—Any State which has received approval to administer a program pursuant to this subsection before the date of the enactment of the Comprehensive Wetlands Conservation and Management Act of 1995 shall not be required to reapply for approval and shall be permitted to continue administering such program.

H.R. 961

OFFERED BY: MR. FRELINGHUYSEN

Amendment No. 24: Page 305, after line 4, insert the following:

''(8) TREATMENT OF EXISTING PROGRAMS.—Any State which has received approval to administer a program pursuant to this subsection before the date of the enactment of the Comprehensive Wetlands Conservation and Management Act of 1995 shall not be required to reapply for approval and shall be permitted to continue administering such program.

H.R. 961

OFFERED BY: MR. GILCHREST

AMENDMENT NO. 25: Page 243, strike line 9 and all that follows through line 7 on page 249 and insert the following:

''(c) WETLANDS CLASSIFICATION.—The Secretary shall issue regulations for the classification of wetlands to the extent practicable based on the best available science. Requirements of this title based on the classification of wetlands as type A, type B, or type C wetlands shall not become effective until regulations are issued under this subsection.

Page 282, line 11, strike ''subparagraphs (B) and (C)'' and insert ''subparagraph (B)''.

Page 282, strike line 12 and all that follows through line 22 on page 283.

Page 283, strike line 23 and all that follows through ''any'' on line 25 and insert the following:

''(B) NORMAL CIRCUMSTANCES.—Any

Page 311, line 17, strike ''section,'' and insert ''section and''.

Page 311, lines 18 through 20, strike '', and no exception shall be available under subsection (g)(1)(B),''.

H.R. 961

OFFERED BY: MR. GILCHREST

AMENDMENT NO. 26: Page 309, strike lines 8 through 12.

Page 309, line 13, strike ''(10)'' and insert ''(9)''.

Page 312, line 10, strike ''(11)'' and insert ''(10)''.

H.R. 961

OFFERED BY: MR. LIPINSKI

AMENDMENT NO. 27: Pages 231 and 232, strike the table and insert the following:

''States:	*Percentage of sums authorized:*
Alabama	0.7736
Alaska	0.2500
Arizona	1.1526
Arkansas	0.3853
California	9.3957
Colorado	0.6964
Connecticut	1.3875
Delaware	0.2500
District of Columbia	0.3203
Florida	3.4696
Georgia	2.0334
Hawaii	0.2629
Idaho	0.2531
Illinois	5.6615

Indiana	3.1304
Iowa	0.6116
Kansas	0.8749
Kentucky	1.3662
Louisiana	1.0128
Maine	0.6742
Maryland	1.6701
Massachusetts	4.3755
Michigan	3.8495
Minnesota	1.3275
Mississippi	0.6406
Missouri	1.7167
Montana	0.2500
Nebraska	0.4008
Nevada	0.2500
New Hampshire	0.4791
New Jersey	4.7219
New Mexico	0.2500
New York	14.7435
North Carolina	2.5920
North Dakota	0.2500
Ohio	4.9828
Oklahoma	0.6273
Oregon	1.2483
Pennsylvania	4.2431
Rhode Island	0.4454
South Carolina	0.7480
South Dakota	0.2500
Tennessee	1.4767
Texas	4.6773
Utah	0.2937
Vermont	0.2722
Virginia	2.4794
Washington	2.2096
West Virginia	1.4346
Wisconsin	1.4261
Wyoming	0.2500
Puerto Rico	1.0866
Northern Marianas	0.0308
American Samoa	0.0908
Guam	0.0657
Palau	0.1295
Virgin Islands	0.0527''.

H.R. 961

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 28: Page 99, line 5, strike the closing quotation marks and the final period.

Page 99, after line 5, insert the following:

''(J) An assurance that the State will not take any action under the program limiting the use of any portion of private property in a manner that diminishes the fair market value of that portion by 20 percent or more without providing just compensation to the property owner.''.

H.R. 961

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 29: Title III of the bill is amended—

(a) on page 33, by striking line 7 and all that follows through line 10 on page 34;

(b) on page 62, by striking line 21 and all that follows through line 3 on page 63;

(c) on page 64, by striking line 4 and all that follows through line 14;

(d) on page 77, by striking line 1 and all that follows through line 23 on page 80;

(e) on page 83, by striking line 1 and all that follows through line 13;

(f) on page 93, by striking line 7 and all that follows through line 22 on page 95;

(g) on page 99, by striking line 12 and all that follows through line 10 on page 101;

(h) on page 121, by striking line 22 and all that follows through line 2 on page 122;

(i) on page 167, by striking line 12 and all that follows through line 14 on page 169; and

(j) renumber all sections, subsections, paragraphs, and subparagraphs accordingly.

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 30: Page 133, strike line 15, and all that follows through line 9 on page 170 and insert the following:

SEC. 322. MUNICIPAL STORMWATER MANAGEMENT PROGRAMS.

(a) STATE PROGRAMS.—Title III (33 U.S.C. 1311 et seq.) is further amended by adding at the end the following new section:

''SEC. 322. MUNICIPAL STORMWATER MANAGEMENT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to assist States in the development and implementation of municipal stormwater control programs in an expeditious and cost effective manner so as to enable the goals and requirements of this Act to be met in each State no later than 15 years after the date of approval of the municipal stormwater management program of the State. It is recognized that State municipal stormwater management programs need to be built on a foundation that voluntary pollution prevention initiatives represent an approach most likely to succeed in achieving the objectives of this Act.

''(b) STATE ASSESSMENT REPORTS.—

''(1) CONTENTS.—After notice and opportunity for public comment, the Governor of each State, consistent with or as part of the assessment required by section 319, shall prepare and submit to the Administrator for approval, a report which—

''(A) identifies those navigable waters within the State which, without additional action to control pollution from municipal stormwater discharges, cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of this Act;

''(B) identifies those categories and subcategories of municipal stormwater discharges that add significant pollution to each portion of the navigable waters identified under subparagraph (A) in amounts which contribute to such portion not meeting such water quality standards or such goals and requirements;

''(C) describes the process, including intergovernmental coordination and public participation, for identifying measures to control pollution from each category and subcategory of municipal stormwater discharges identified in subparagraph (B) and to reduce, to the maximum extent practicable, the level of pollution resulting from such discharges; and

''(D) identifies and describes State and local programs for controlling pollution added from municipal stormwater discharges to, and improving the quality of, each such portion of the navigable waters.

''(2) INFORMATION USED IN PREPARATION.—In developing, reviewing, and revising the report required by this subsection, the State—

''(A) may rely upon information developed pursuant to sections 208, 303(e), 304(f), 305(b), 314, 319, 320, and 321 and subsection (h) of this section, information developed from any group stormwater permit application process in effect under section 402(p) of this Act and such other information as the State determines is appropriate; and

''(B) may utilize appropriate elements of the waste treatment management plans developed pursuant to sections 208(b) and 303, to the extent such elements are consistent with and fulfill the requirements of this section.

''(3) REVIEW AND REVISION.—Not later than 18 months after the date of the enactment of the Clean Water Amendments of 1995, and every 5 years thereafter, the State shall review, revise, and submit to the Administrator the report required by this subsection.

''(c) STATE MANAGEMENT PROGRAMS.—

''(1) IN GENERAL.—In substantial consultation with local governments and after notice and opportunity for public comment, the Governor of each State for the State or in combination with the Governors of adjacent States shall prepare and submit to the Administrator for approval a municipal stormwater management program based on available information which the State proposes to implement in the first 5 fiscal years beginning after the date of submission of such management program for controlling pollution added from municipal stormwater discharges to the navigable waters within the boundaries of the State and improving the quality of such waters.

''(2) SPECIFIC CONTENTS.—Each management program proposed for implementation under this subsection shall include the following:

''(A) IDENTIFICATION OF MODEL MANAGEMENT PRACTICES AND MEASURES.—Identification of the model management practices and measures which will be undertaken to reduce pollutant loadings resulting from municipal stormwater discharges designated under subsection (b)(1)(B), taking into account the impact of the practice and measure on ground water quality.

''(B) IDENTIFICATION OF PROGRAMS AND RESOURCES.—Identification of programs and resources necessary (including, as appropriate, nonregulatory programs or regulatory programs, enforceable policies and mechanisms, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to manage municipal stormwater discharges to the degree necessary to provide for reasonable further progress toward the goal of attainment of water quality standards which contain the stormwater criteria established under subsection (h) for designated uses of receiving waters identified under subsection (b)(1)(A) taking into consideration specific watershed conditions, by not later than the last day of the 15-year period beginning on the date of approval of the State program.

''(C) PROGRAM FOR REDUCING POLLUTANT LOADINGS.—A program for municipal stormwater discharges identified under subsection (b)(1)(B) to reduce pollutant loadings from categories and subcategories of municipal stormwater discharges.

''(D) SCHEDULE.—A schedule containing interim goals and milestones for making reasonable progress toward the attainment of standards as set forth in subparagraph (B) established for the designated uses of receiving waters, taking into account specific watershed conditions, which may be demonstrated by one or any combination of improvements in water quality (including biological indicators), documented implementation of voluntary stormwater discharge control measures, or adoption of enforceable stormwater discharge control measures.

''(E) CERTIFICATION OF ADEQUATE AUTHORITY.—

''(i) IN GENERAL.—A certification by the Attorney General of the State or States (or the chief attorney of any State water pollution control agency that has authority under State law to make such certification) that the laws of the State or States, as the case may be, provide adequate authority to implement such management program or, if there is not such adequate authority, a list of such additional authorities as will be necessary to implement such management program.

''(ii) COMMITMENT.—A schedule for seeking, and a commitment by the State or States to seek, such additional authorities as expeditiously as practicable.

''(F) IDENTIFICATION OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS.—An identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine

whether such assistance applications or development projects would be consistent with the program prepared under this subsection; for the purposes of this subparagraph, identification shall not be limited to the assistance programs or development projects subject to Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's municipal stormwater management program.

''(G) MONITORING.—A description of the monitoring of navigable waters or other assessment which will be carried out under the program for the purposes of monitoring and assessing the effectiveness of the program, including the attainment of interim goals and milestones.

''(H) IDENTIFICATION OF CERTAIN INCONSISTENT FEDERAL ACTIVITIES.—An identification of activities on Federal lands in the State that are inconsistent with the State management program.

''(I) IDENTIFICATION OF GOALS AND MILESTONES.—An identification of goals and milestones for progress in attaining water quality standards, including a projected date for attaining such standards as expeditiously as practicable but not later than 15 years after the date of approval of the State program for each of the waters listed pursuant to subsection (b).

''(3) UTILIZATION OF LOCAL AND PRIVATE EXPERTS.—In developing and implementing a management program under this subsection, a State shall, to the maximum extent practicable, involve local public and private agencies and organizations which have expertise in stormwater management.

''(4) DEVELOPMENT ON WATERSHED BASIS.—A State shall, to the maximum extent practicable, develop and implement a stormwater management program under this subsection on a watershed-by-watershed basis within such State.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) COOPERATION REQUIREMENT.—Any report required by subsection (b) and any management program and report required by subsection (c) shall be developed in cooperation with local, substate, regional, and interstate entities which are responsible for implementing municipal stormwater management programs.

''(2) TIME PERIOD FOR SUBMISSION OF MANAGEMENT PROGRAMS.—Each management program shall be submitted to the Administrator within 30 months of the issuance by the Administrator of the final guidance under subsection (l) and every 5 years thereafter. Each program submission after the initial submission following the date of the enactment of the Clean Water Amendments of 1995 shall include a demonstration of reasonable further progress toward the goal of attaining water quality standards as set forth in subsection (c)(2) established for designated uses of receiving waters taking into account specific watershed conditions by not later than the date referred to in subsection (b)(2)(B), including a documentation of the degree to which the State has achieved the interim goals and milestones contained in the previous program submission. Such demonstration shall take into account the adequacy of Federal funding under this section.

''(3) TRANSITION.—

''(A) IN GENERAL.—Permits issued pursuant to section 402(p) for discharges from municipal storm sewers, as in effect on the day before the date of the enactment of this section, shall remain in effect until the effective date of a State municipal stormwater management program under this section. Stormwater dischargers shall continue to implement any stormwater management practices and measures required under such permits until such practices and measures are modified pursuant to this subparagraph or pursuant to a State municipal stormwater management program. Prior to the effective date of a State municipal stormwater management program, municipal stormwater dischargers may submit for approval proposed revised stormwater management practices and measures to the State, in the case of a State with an approved program under section 402, or the Administrator. Upon notice of approval by the State or the Administrator, the municipal stormwater discharger shall implement the revised stormwater management practices and measures which may be voluntary pollution prevention activities. A municipal stormwater discharger operating under a permit continued in effect under this subparagraph shall not be subject to citizens suits under section 505.

''(B) ANTIBACKSLIDING.—Section 402(o) shall not apply to any activity carried out in accordance with this paragraph.

''(e) APPROVAL OR DISAPPROVAL OF REPORTS OR MANAGEMENT PROGRAMS.—

''(1) DEADLINE.—Subject to paragraph (2), not later than 180 days after the date of submission to the Administrator of any report or revised report or management program under this section, the Administrator shall either approve or disapprove such report or management program, as the case may be. The Administrator may approve a portion of a management program under this subsection. If the Administrator does not disapprove a report, management program, or portion of a management program in such 180-day period, such report, management program, or portion shall be deemed approved for purposes of this section.

''(2) PROCEDURE FOR DISAPPROVAL.—If, after notice and opportunity for public comment and consultation with appropriate Federal and State agencies and other interested persons, the Administrator determines that—

''(A) the proposed management program or any portion thereof does not meet the requirements of subsection (b) of this section or is not likely to satisfy, in whole or in part, the goals and requirements of this Act;

''(B) adequate authority does not exist, or adequate resources are not available, to implement such program or portion; or

''(C) the practices and measures proposed in such program or portion will not result in reasonable progress toward the goal of attainment of applicable water quality standards as set forth in subsection (c)(2) established for designated uses of receiving waters taking into consideration specific watershed conditions as expeditiously as possible but not later than 15 years after approval of a State municipal stormwater management program under this section;

the Administrator shall within 6 months of the receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall have an additional 6 months to submit its revised management program, and the Administrator shall approve or disapprove such revised program within 3 months of receipt.

''(3) FAILURE OF STATE TO SUBMIT REPORT.—If a Governor of a State does not submit a report or revised report required by subsection (b) within the period specified by subsection (d)(2), the Administrator shall, within 18 months after the date on which such report is required to be submitted under subsection (b), prepare a report for such State which makes the identifications required by paragraphs (1)(A) and (1)(B) of subsection (b). Upon completion of the requirement of the preceding sentence and after notice and opportunity for a comment, the Administrator shall report to Congress of the actions of the Administrator under this section.

''(4) FAILURE OF STATE TO SUBMIT MANAGEMENT PROGRAM.—

''(A) PROGRAM MANAGEMENT BY ADMINISTRATOR.—Subject to paragraph (5), if a State fails to submit a management program or revised management program under subsection (c) or the Administrator does not approve such management program, the Administrator shall prepare and implement a management program for controlling pollution added from municipal stormwater discharges to the navigable waters within the State and improving the quality of such waters in accordance with subsection (c).

''(B) NOTICE AND HEARING.—If the Administrator intends to disapprove a program submitted by a State the Administrator shall first notify the Governor of the State, in writing, of the modifications necessary to meet the requirements of this section. The Administrator shall provide adequate public notice and an opportunity for a public hearing for all interested parties.

''(C) STATE REVISION OF ITS PROGRAM.—If, after taking into account the level of funding actually provided as compared with the level authorized, the Administrator determines that a State has failed to demonstrate reasonable further progress toward the attainment of water quality standards as required, the State shall revise its program within 12 months of that determination in a manner sufficient to achieve attainment of applicable water quality standards by the deadline established by this section. If a State fails to make such a program revision or the Administrator does not approve such a revision, the Administrator shall prepare and implement a municipal stormwater management program for the State.

''(5) LOCAL MANAGEMENT PROGRAMS; TECHNICAL ASSISTANCE.—If a State fails to submit a management program under subsection (c) or the Administrator does not approve such a management program, a local public agency or organization which has expertise in, and authority to, control water pollution resulting from municipal stormwater sources in any area of such State which the Administrator determines is of sufficient geographic size may, with approval of such State, request the Administrator to provide, and the Administrator shall provide, technical assistance to such agency or organization in developing for such area a management program which is described in subsection (c) and can be approved pursuant to this subsection. After development of such management program, such agency or organization shall submit such management program to the Administrator for approval.

''(f) INTERSTATE MANAGEMENT CONFERENCE.—

''(1) CONVENING OF CONFERENCE; NOTIFICATION; PURPOSE.—

''(A) CONVENING OF CONFERENCE.—If any portion of the navigable waters in any State which is implementing a management program approved under this section is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of pollution from stormwater in another State, such State may petition the Administrator to convene, and the Administrator shall convene, a management conference of all States which contribute significant pollution resulting from stormwater to such portion.

''(B) NOTIFICATION.—If, on the basis of information available, the Administrator determines that a State is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of significant pollution from stormwater in another State, the Administrator shall notify such States.

''(C) TIME LIMIT.—The Administrator may convene a management conference under this paragraph not later than 180 days after giving such notification under subparagraph (B), whether or not the State which is not meeting such standards requests such conference.

''(D) PURPOSE.—The purpose of the conference shall be to develop an agreement among the States to reduce the level of pollution resulting from stormwater in the portion of the navigable waters and to improve the water quality of such portion.

''(E) PROTECTION OF WATER RIGHTS.—Nothing in the agreement shall supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws.

''(F) LIMITATIONS.—This subsection shall not apply to any pollution which is subject to the Colorado River Basin Salinity Control Act. The requirement that the Administrator convene a management conference shall not be subject to the provisions of section 505 of this Act.

''(2) STATE MANAGEMENT PROGRAM REQUIREMENT.—To the extent that the States reach agreement through such conference, the management programs of the States which are parties to such agreements and which contribute significant pollution to the navigable waters or portions thereof not meeting applicable water quality standards or goals and requirements of this Act will be revised to reflect such agreement. Such management programs shall be consistent with Federal and State law.

''(g) GRANTS FOR STORMWATER RESEARCH.—

''(1) IN GENERAL.—To determine the most cost-effective and technologically feasible means of improving the quality of the navigable waters and to develop the criteria required pursuant to subsection (g), the Administrator shall establish an initiative through which the Administrator shall fund State and local demonstration programs and research to—

''(A) identify adverse impacts of stormwater discharges on receiving waters;

''(B) identify the pollutants in stormwater which cause impact; and

''(C) test innovative approaches to address the impacts of source controls and model management practices and measures for runoff from municipal storm sewers.

Persons conducting demonstration programs and research funded under this subsection shall also take into account the physical nature of episodic stormwater flows, the varying pollutants in stormwater, the actual risk the flows pose to the designated beneficial uses, and the ability of natural ecosystems to accept temporary stormwater events.

''(2) AWARD OF FUNDS.—The Administrator shall award the demonstration and research program funds taking into account regional and population variations.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $20,000,000 per fiscal year for fiscal years 1996 through 2000. Such sums shall remain available until expended.

''(h) DEVELOPMENT OF STORMWATER CRITERIA.—

''(1) IN GENERAL.—To reflect the episodic character of stormwater which results in significant variances in the volume, hydraulics, hydrology, and pollutant load associated with stormwater discharges, the Administrator shall establish, as an element of the water quality standards established for the designated uses of the navigable waters, stormwater criteria which protect the navigable waters from impairment of the designated beneficial uses caused by stormwater discharges. The criteria shall be technologically and financially feasible and may include performance standards, guidelines, guidance, and model management practices and measures and treatment requirements, as appropriate, and as identified in subsection (g)(1).

''(2) INFORMATION TO BE USED IN DEVELOPMENT.—The stormwater discharge criteria to be established under this subsection—

''(A) shall be developed from—

''(i) the findings and conclusions of the demonstration programs and research conducted under subsection (g);

''(ii) the findings and conclusions of the research and monitoring activities of stormwater dischargers performed in compliance with permit requirements of this Act; and

''(iii) other relevant information, including information submitted to the Administrator under the industrial group permit application process in effect under section 402 of this Act;

''(B) shall be developed in consultation with persons with expertise in the management of stormwater (including officials of State and local government, industrial and commercial stormwater dischargers, and public interest groups); and

''(C) shall be established as an element of the water quality standards that are developed and implemented under this Act by not later than December 31, 2008.

''(i) COLLECTION OF INFORMATION.—The Administrator shall collect and make available, through publications and other appropriate means, information pertaining to model management practices and measures and implementation methods, including, but not limited to—

''(1) information concerning the costs and relative efficiencies of model management practices and measures for reducing pollution from stormwater discharges; and

''(2) available data concerning the relationship between water quality and implementation of various management practices to control pollution from stormwater discharges.

''(j) REPORTS OF ADMINISTRATOR.—

''(1) BIENNIAL REPORTS.—Not later than January 1, 1996, and biennially thereafter, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report for the preceding fiscal year on the activities and programs implemented under this section and the progress made in reducing pollution in the navigable waters resulting from stormwater discharges and improving the quality of such waters.

''(2) CONTENTS.—Each report submitted under paragraph (1), at a minimum shall—

''(A) describe the management programs being implemented by the States by types of affected navigable waters, categories and subcategories of stormwater discharges, and types of measures being implemented;

''(B) describe the experiences of the States in adhering to schedules and implementing the measures under subsection (c);

''(C) describe the amount and purpose of grants awarded pursuant to subsection (g);

''(D) identify, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the navigable waters;

''(E) indicate what further actions need to be taken to attain and maintain in those navigable waters (i) applicable water quality standards, and (ii) the goals and requirements of this Act;

''(F) include recommendations of the Administrator concerning future programs (including enforcement programs) for controlling pollution from stormwater; and

''(G) identify the activities and programs of departments, agencies, and instrumentalities of the United States that are inconsistent with the municipal stormwater management programs implemented by the States under this section and recommended modifications so that such activities and programs are consistent with and assist the States in implementation of such management programs.

''(k) GUIDANCE ON MODEL STORMWATER MANAGEMENT PRACTICES AND MEASURES.—

''(1) IN GENERAL.—The Administrator, in consultation with appropriate Federal, State, and local departments and agencies, and after providing notice and opportunity for public comment, shall publish guidance to identify model management practices and measures which may be undertaken, at the discretion of the State or appropriate entity, under a management program established pursuant to this section. In preparing such guidance, the Administrator shall consider integration of a municipal stormwater management program of a State with, and the relationship of such program to, the nonpoint source management program of the State under section 319.

''(2) PUBLICATION.—The Administrator shall publish proposed guidance under this subsection not later than 6 months after the date of the enactment of this subsection and shall publish final guidance under this subsection not later than 18 months after such date of enactment. The Administrator shall periodically review and revise the final guidance upon adequate notice and opportunity for public comment at least once every 3 years after its publication.

''(3) MODEL MANAGEMENT PRACTICES AND MEASURES DEFINED.—For the purposes of this subsection, the term ''model management practices and measures'' means economically achievable measures for the control of pollutants from stormwater discharges which reflect the most cost-effective degree of pollutant reduction achievable through the application of the best available practices, technologies, processes, siting criteria, operating methods, or other alternatives.

''(l) ENFORCEMENT WITH RESPECT TO MUNICIPAL STORMWATER DISCHARGERS VIOLATING STATE MANAGEMENT PROGRAMS.—Municipal stormwater dischargers that do not comply with State management program requirements under subsection (c) are subject to applicable enforcement actions under sections 309 and 505 of this Act.

''(m) ENTRY AND INSPECTION.—In order to carry out the objectives of this section, an authorized representative of a State, upon presentation of his or her credentials, shall have a right of entry to, upon, or through any property at which a stormwater discharge or records required to be maintained under the State municipal stormwater management program are located.

''(n) LIMITATION ON DISCHARGES REGULATED UNDER WATERSHED MANAGEMENT PROGRAM.—Municipal stormwater discharges regulated under section 321 in a manner consistent with this section shall not be subject to this section.''.

(b) CONFORMING AMENDMENTS TO INDUSTRIAL STORMWATER DISCHARGE PROGRAM.—Section 402(p) (33 U.S.C 1342(p)) is amended—

(1) in the subsection heading by striking ''MUNICIPAL AND'';

(2) in paragraph (1) by striking ''1994'' and inserting ''2001'';

(3) by adding at the end of the paragraph (1) the following: ''This subsection does not apply to municipal stormwater discharges which are covered by section 322.'';

(4) in paragraph (2) by striking subparagraphs (C) and (D) and by redesignating subparagraph (E) as subparagraph (C);

(5) in paragraph (3)—

(A) by striking the heading for subparagraph (A);

(B) by moving the text of subparagraph (A) after the paragraph heading; and

(C) by striking subparagraph (B);

(6) in paragraph (4)—

(A) by striking the heading for subparagraph (A);

(B) by moving the text of subparagraph (A) after the paragraph heading;

(C) by striking ''and (2)(C)''; and

(D) by striking subparagraph (B);

(7) by striking paragraph (5);

(8) by redesignating paragraph (6) as paragraph (5); and

(9) in paragraph (5) as so redesignated—

(A) by striking ''1993'' and inserting ''2000''; and

(B) by inserting after ''paragraph (2)'' the following: ''and other than municipal stormwater discharges''.

(c) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(25) The term 'stormwater' means runoff from rain, snow melt, or any other precipitation-generated surface runoff.

''(26) The term 'stormwater discharge' means a discharge from any conveyance which is used for the collecting and conveying of stormwater to navigable waters and which is associated with a municipal storm sewer system or industrial, commercial, oil, gas, or mining activities or construction activities.''.

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 31: Page 65, strike line 2 and all that follows through line 9 on page 68.

Page 68, line 10, strike ''(c)'' and insert ''(a)''.

Page 69, line 7, strike ''(d)'' and insert ''(b)''.

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 32: Page 284, strike lines 10 through 18.

Page 284, line 19, strike ''(3)'' and insert ''(2)''.

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 33: Page 32, strike line 19 and all that follows through line 6 on page 33.

Page 33, line 7, strike ''(c)'' and insert ''(b)''.

Page 33, strike line 16 and all that follows though line 10 on page 34.

Pages 34 through 47, strike section 302 of the bill.

Redesignate subsequent sections of title III of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 47, strike line 20 and all that follows through line 8 on page 48 and insert the following:

SEC. 303. REVISION OF STATE WATER QUALITY STANDARDS.

Section 303(c)(1) is amended by striking

Conform the table of contents of the bill accordingly.

Page 48, strike line 16 and all that follows through line 10 on page 52.

Page 64, strike lines 4 through 14.

Pages 73 through 80, strike sections 311 and 312 of the bill.

Redesignate subsequent sections of title III of the bill accordingly. Conform the table of contents of the bill accordingly.

Pages 93 through 95, strike section 318 of the bill.

Redesignate subsequent sections of title III of the bill accordingly. Conform the table of contents of the bill accordingly.

Page 130, line 2, after the period insert closing quotation marks and a period.

Page 130, strike lines 3 through 25.

Page 131, strike lines 5 through 22 and insert the following:

''(r) SYNCHRONIZED PERMIT TERMS.—Notwith- * * *

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 34: Page 181, strike line 17 and all that follows through line 9 on page 182.

Page 184, strike line 10 and all that follows through line 21 on page 185.

Page 204, strike line 11 and all that follows through line 13 on page 207.

Redesignate the remaining sections of title IV of the bill accordingly. Conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 35: Page 208, strike lines 20 through 24.

Page 209, strike lines 1 through 17.

Redesignate subsequent sections of title V of the bill accordingly. Conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 36:

Page 170, line 19, strike ''issuing''.

Page 170, line 20, before ''any'' insert ''issuing''.

Page 170, line 24, strike ''or''.

Page 171, line 1, before ''any'' insert ''issuing''.

Page 171, line 3, strike the period and insert a semicolon.

Page 171, after line 3, insert the following:

''(3) granting under section 301(g) a modification of the requirements of section 301(b)(2)(A);

''(4) issuing a permit under section 402 which under section 301(p)(5) modifies the requirements of section 301, 302, 306, or 307;

''(5) extending under section 301(k) a deadline for a point source to comply with any limitation under section 301(b)(1)(A), 301(b)(2)(A), or 301(b)(2)(E) or otherwise modifying under section 301(k) the conditions of a permit under section 402;

''(6) issuing a permit under section 402 which modifies under section 301(q) the requirements of section 301(b), 306, or 307;

''(7) issuing a permit under section 402 which modifies under section 301(r) the requirements of section 301(b), 306, or 307;

''(8) renewing, reissuing, or modifying a permit to which section 401(o)(1) applies if the permittee has received a permit modification under section 301(q) or 301(r) or the exception under section 402(o)(2)(F) applies;

''(9) extending under section 307(e) the deadline for compliance with applicable national categorical pretreatment standards or otherwise modifying under section 307(e) pretreatment requirements of section 307(b);

''(10) waiving or modifying under section 307(f) pretreatment requirements of section 307(b);

''(11) allowing under section 307(g) any person that introduces silver into a publicly owned treatment works to comply with a code of management practices in lieu of complying with any pretreatment requirement for silver;

''(12) establishing under section 316(b)(3) a standard other than best technology available for existing point sources;

''(13) approving a pollutant transfer pilot project under section 321(g)(1); or

''(14) issuing a permit pursuant to section 402(r)(1) with a limitation that does not meet applicable water quality standards.

H.R. 961

OFFERED BY: MR. MINETA

AMENDMENT NO. 37:

Page 172, line 14, insert ''similar'' before ''risks''.

Page 172, line 15, before the period insert the following: ''regulated by the Environmental Protection Agency resulting from comparable activities and exposure pathways''.

Page 172, after line 15, insert the following:

Comparisons under paragraph (7) should consider relevant distinctions among risks such as the voluntary or involuntary nature of risks and the preventability and nonpreventability of risks.

Page 173, line 18, after the period insert closing quotation marks and a period.

Page 173, strike line 19 and all that follows through page 175, line 17.

Page 176, lines 10 and 11, strike ''the requirement or guidance maximizes net benefits to society'' and insert ''the incremental benefits to human health, public welfare, and the environment of the requirement or guidance will likely justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities''.

Page 178, line 4, insert ''and benefits'' after ''costs''.

Page 179, strike line 3 and all that follows through page 180, line 22.

Page 180, line 23, strike ''(g)'' and insert ''(f)''.

H.R. 961

OFFERED BY: MS. MOLINARI

AMENDMENT NO. 38:

Page 247, line 3, before the semicolon at the end insert the following:

(other than prior converted cropland within a watershed providing public, unfiltered drinking water supplies)

H.R. 961

OFFERED BY: MR. NADLER

AMENDMENT NO. 39: Page 50, strike line 19 and all that follows through line 10 on page 52.

H.R. 961

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 40: Page 100, strike line 5 and all that follows through the first period on line 10 on page 101.

Page 102, line 1, strike ''Such demonstration'' and all that follows through the first period on line 3.

Page 114, strike line 17 and all that follows through line 4 on page 115.

Page 115, line 5, strike ''(n)'' and insert ''(m)''.

Page 117, line 4, strike ''(o)'' and insert ''(n)''.

Page 117, line 6, strike ''(q)'' and insert ''(p)''.

Page 117, line 10, strike ''(p)'' and insert ''(o)''.

Page 117, line 12, strike ''(r)'' and insert ''(q)''.

H.R. 961

OFFERED BY: MR. PALLONE

AMENDMENT NO. 41: Page 81, after line 1, insert the following:

(a) FINDING WITH RESPECT TO HARM CAUSED BY VIOLATIONS.—Section 101 (33 U.S.C. 1251) is further amended by adding at the end the following:

''(i) FINDING WITH RESPECT TO HARM CAUSED BY VIOLATIONS.—Congress finds that a discharge which results in a violation of this Act or a regulation, standard, limitation, requirement, or order issued pursuant to this Act interferes with the restoration and maintenance of the chemical, physical,

and biological integrity of any waters into which the discharge flows (either directly or through a publicly owned treatment works), including any waters into which the receiving waters flow, and, therefore, harms those who use or enjoy such waters and those who use or enjoy nearby lands or aquatic resources associated with those waters.

''(j) FINDING WITH RESPECT TO CITIZEN SUITS.—Congress finds that citizen suits are a valuable means of enforcement of this Act and urges the Administrator to take actions to encourage such suits, including providing information concerning violators to citizen groups to assist them in bringing suits, providing expert witnesses and other evidence with respect to such suits, and filing amicus curiae briefs on important issues related to such suits.''.

(b) VIOLATIONS OF REQUIREMENTS OF LOCAL CONTROL AUTHORITIES.—Section 307(d) (33 U.S.C. 1317(d)) is amended by striking the first sentence and inserting the following: ''After the date on which (1) any effluent standard or prohibition or pretreatment standard or requirement takes effect under this section or any requirement imposed in a pretreatment program under section 402(a)(3) or 402(b)(8) of this Act takes effect, it shall be unlawful for any owner or operator of any source to operate such source in violation of the effluent standard, prohibition, pretreatment standard, or requirement.''.

(c) INSPECTIONS, MONITORING, AND PROVIDING INFORMATION.—

(1) APPLICABILITY OF REQUIREMENTS.—Section 308(a) (33 U.S.C. 1318(a)) is amended by striking ''the owner or operator of any point source'' and inserting ''a person subject to a requirement of this Act''.

(2) PUBLIC ACCESS TO INFORMATION.—The first sentence of section 308(b) is amended—

(A) by inserting ''(including information contained in the Permit Compliance System of the Environmental Protection Agency)'' after ''obtained under this section'';

(B) by inserting ''made'' after ''shall be''; and

(C) by inserting ''by computer telecommunication and other means'' after ''public'' the first place it appears.

(3) PUBLIC INFORMATION.—Section 308 is further amended by adding at the end the following:

''(e) PUBLIC INFORMATION.—

''(1) POSTING OF NOTICE OF POLLUTED WATERS.—At each major point of public access (including, at a minimum, beaches, parks, recreation areas, marinas, and boat launching areas) to a body of navigable water that does not meet an applicable water quality standard or that is subject to a fishing and shell fishing ban, advisory, or consumption restriction (issued by a Federal, State, or local authority) due to fish or shellfish contamination, the State within which boundaries all or any part of such body of water lies shall, either directly or through local authorities, post and maintain a clearly visible sign which—

''(A) indicates the water quality standard that is being violated or the nature and extent of the restriction on fish or shellfish consumption, as the case may be;

''(B) includes (i) information on the environmental and health effects associated with the failure to meet such standard or with the consumption of fish or shellfish subject to the restriction, and (ii) a phone number for obtaining additional information relating to the violation and restriction; and

''(C) will be maintained until the body of water is in compliance with the water quality standard or until all fish and shellfish consumption restrictions are terminated with respect to the body of water, as the case may be.

''(2) NOTICE OF DISCHARGES TO NAVIGABLE WATERS.—Except for permits issued to municipalities for discharges composed entirely of stormwater under section 402 of this Act, each permit issued under section 402 by the Administrator or by a State shall ensure compliance with the following requirements:

''(A) Every permittee shall conspicuously maintain at all public entrances to the facility a clearly visible sign which indicates that the facility discharges pollutants into navigable waters and the location of such discharges; the name, business address, and phone number of the permittee; the permit number; and a location at which a copy of the permit and public information required by this paragraph is maintained and made available for inspection or a phone number for obtaining such information.

''(B) Each permittee which is a publicly owned treatment works shall include in each quarterly mailing of a bill to each customer of the treatment works information which indicates that the treatment works discharges pollutants into the navigable waters and the location of each of such discharges; the name, business address and phone number of the permittee; the permit number; a location at which a copy of the permit and public information required by this paragraph is maintained and made available for inspection or a phone number for obtaining such information; and a list of all violations of the requirements of the permit by the treatment works over the preceding 12-month period.

''(3) REGULATIONS.—

''(A) ISSUANCE.—The Administrator—

''(i) not later than 6 months after the date of the enactment of this subsection, shall propose regulations to carry out this subsection; and

''(ii) not later than 18 months after such date of enactment, shall issue such regulations.

''(B) CONTENT.—The regulations issued to carry out this subsection shall establish—

''(i) uniform requirements and procedures for identifying and posting bodies of water under paragraph (1);

''(ii) minimum information to be included in signs posted and notices issued pursuant to this subsection;

''(iii) uniform requirements and procedures for fish and shellfish sampling and analysis;

''(iv) uniform requirements for determining the nature and extent of fish and shellfish bans, advisories, and consumption restrictions which—

''(I) address cancer and noncancer human health risks;

''(II) take into account the effects of all fish and shellfish contaminants, including the cumulative and synergistic effects;

''(III) assure the protection of subpopulations who consume higher than average amounts of fish and shellfish or are particularly susceptible to the effects of such contamination;

''(IV) address race, gender, ethnic composition, or social and economic factors, based on the latest available studies of national or regional consumption by and impacts on such subpopulations unless more reliable site-specific data is available;

''(V) are based on a margin of safety that takes into account the uncertainties in human health impacts from such contamination; and

''(VI) evaluate assessments of health risks of contaminated fish and shellfish that are used in pollution control programs developed by the Administrator under this Act.''.

(4) STATE REPORTS.—Section 305(b)(1) (33 U.S.C. 1315(b)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(C) by adding at the end the following:

''(F) a list identifying bodies of water for which signs were posted under section 308(e)(1) in the preceding year.''.

(d) CIVIL PENALTIES.—

(1) ENFORCEMENT OF LOCAL PRETREATMENT REQUIREMENTS.—

(A) COMPLIANCE ORDERS.—

(i) INITIAL ACTION.—Section 309(a)(1) (33 U.S.C. 1319(a)(1)) is amended by inserting after ''of this Act,'' the following: ''or is in violation of any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act,''.

(ii) ISSUANCE OF ORDERS.—Section 309(a)(3) is amended by inserting before ''he shall'' the following: ''or is in violation of any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act,''.

(B) CRIMINAL PENALTIES.—Section 309(c)(3)(A) is amended by inserting before ''and who knows'' the following: ''or knowingly violates any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act,''.

(C) ADMINISTRATIVE PENALTIES.—Section 309(g)(1) is amended by inserting after ''or by a State,'' the following: ''or has violated any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act or an order issued by the Administrator under subsection (a) of this section,''.

(2) TREATMENT OF SINGLE OPERATIONAL UPSETS.—

(A) CRIMINAL PENALTIES.—Section 309(c) is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(B) CIVIL PENALTIES.—Section 309(d) is amended by striking the last sentence.

(C) ADMINISTRATIVE PENALTIES.—Section 309(g)(3) is amended by striking the last sentence.

(3) USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.—

(A) IN GENERAL.—Section 309(d) is amended by inserting after the second sentence the following: ''The court may, in the court's discretion, order that a civil penalty be used for carrying out mitigation projects which are consistent with the purposes of this Act and which enhance the public health or environment.''.

(B) CONFORMING AMENDMENT.—Section 505(a) (33 U.S.C. 1365(a)) is amended by inserting before the period at the end of the last sentence the following: '', including ordering the use of a civil penalty for carrying out mitigation projects''.

(4) DETERMINATION OF AMOUNT OF PENALTIES.—

(A) CIVIL PENALTIES.—Section 309(d) (33 U.S.C. 1319(d)) is amended by inserting ''the amount of any penalty previously imposed on the violator by a court or administrative agency for the same violation or violations,'' after ''economic impact of the penalty on the violator,''.

(B) ADMINISTRATIVE PENALTIES.—Section 309(g)(3) is amended—

(i) by striking ''or savings''; or

(ii) by inserting ''the amount of any penalty previously imposed on the violator by a court or administrative agency for the same violation or violations,'' after ''resulting from the violation,''.

(5) LIMITATION ON DEFENSES.—Section 309(g)(1) is amended by adding at the end the following: ''In a proceeding to assess or review a penalty under this subsection, the adequacy of consultation between the Administrator or the Secretary, as the case may be, and the State shall not be a defense

to assessment or enforcement of such penalty.''.

(6) AMOUNTS OF ADMINISTRATIVE CIVIL PENALTIES.—

(A) GENERAL RULE.—Section 309(g)(2) is amended to read as follows:

''(2) AMOUNT OF PENALTIES; NOTICE; HEARING.—

''(A) MAXIMUM AMOUNT OF PENALTIES.—The amount of a civil penalty under paragraph (1) may not exceed $25,000 per violation per day for each day during which the violation continues.

''(B) WRITTEN NOTICE.—Before issuing an order assessing a civil penalty under this subsection, the Administrator shall give to the person to be assessed the penalty written notice of the Administrator's proposal to issue the order and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed order.

''(C) HEARINGS NOT ON THE RECORD.—If the proposed penalty does not exceed $25,000, the hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

''(D) HEARINGS ON THE RECORD.—If the proposed penalty exceeds $25,000, the hearing shall be on the record in accordance with section 554 of title 5, United States Code. The Administrator may issue rules for discovery procedures for hearings under this subparagraph.''.

(B) CONFORMING AMENDMENTS.—Section 309(g) is amended—

(i) in paragraph (1) by striking ''class I civil penalty or a class II'';

(ii) in the second sentence of paragraph (4)(C) by striking ''(2)(A) in the case of a class I civil penalty and paragraph (2)(B) in the case of a class II civil penalty'' and inserting ''(2)''; and

(iii) in the first sentence of paragraph (8) by striking ''assessment—'' and all that follows through ''by filing'' and inserting ''assessment in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred by filing''.

(7) STATE ENFORCEMENT ACTIONS AS BAR TO FEDERAL ENFORCEMENT ACTIONS.—Section 309(g)(6)(A) is amended—

(A) by inserting ''or'' after the comma at the end of clause (i);

(B) by striking clause (ii); and

(C) in clause (iii)—

(i) by striking ''or the State''; and

(ii) by striking ''or such comparable State law, as the case may be,''.

(8) RECOVERY OF ECONOMIC BENEFIT.—Section 309 is amended by adding at the end the following:

''(h) RECOVERY OF ECONOMIC BENEFIT.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this section, any civil penalty assessed and collected under this section must be in an amount which is not less than the amount of the economic benefit (if any) resulting from the violation for which the penalty is assessed.

''(2) REGULATIONS.—Not later than 2 years after the date of the enactment of this subsection, the Administrator shall issue regulations establishing a methodology for calculating the economic benefits or savings resulting from violations of this Act. Pending issuance of such regulations, this subsection shall be in effect and economic benefits shall be calculated for purposes of paragraph (1) on a case-by-case basis.''.

(9) LIMITATION ON COMPROMISES.—Section 309 is further amended by adding at the end the following:

''(i) LIMITATION ON COMPROMISES OF CIVIL PENALTIES.—Notwithstanding any other provision of this section, the amount of a civil penalty assessed under this section may not be compromised below the amount determined by adding—

''(1) the minimum amount required for recovery of economic benefit under subsection (h), to

''(2) 50 percent of the difference between the amount of the civil penalty assessed and such minimum amount.''.

(10) MINIMUM AMOUNT FOR SERIOUS VIOLATIONS.—Section 309 is further amended by adding at the end the following:

''(j) MINIMUM CIVIL PENALTIES FOR SERIOUS VIOLATIONS AND SIGNIFICANT NONCOMPLIERS.—

''(1) SERIOUS VIOLATIONS.—Notwithstanding any other provision of this section (other than paragraph (2)), the minimum civil penalty which shall be assessed and collected under this section from a person—

''(A) for a discharge from a point source of a hazardous pollutant which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 20 percent or more, or

''(B) for a discharge from a point source of a pollutant (other than a hazardous pollutant) which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 40 percent or more,

shall be $1,000 for the first such violation in a 180-day period.

''(2) SIGNIFICANT NONCOMPLIERS.—Notwithstanding any other provision of this section, the minimum civil penalty which shall be assessed and collected under this section from a person—

''(A) for the second or more discharge in a 180-day period from a point source of a hazardous pollutant which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 20 percent or more,

''(B) for the second or more discharge in a 180-day period from a point source of a pollutant (other than a hazardous pollutant) which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 40 percent or more,

''(C) for the fourth or more discharge in a 180-day period from a point source of any pollutant which exceeds or otherwise violates the same effluent limitation, or

''(D) for not filing in a 180-day period 2 or more reports in accordance with section 402(r)(1),

shall be $5,000 for each of such violations.

''(3) MANDATORY INSPECTIONS FOR SIGNIFICANT NONCOMPLIERS.—The Administrator shall identify any person described in paragraph (2) as a significant noncomplier and shall conduct an inspection described in section 402(q) of this Act of the facility at which the violations were committed. Such inspections shall be conducted at least once in the 180-day period following the date of the most recent violation which resulted in such person being identified as a significant noncomplier.

''(4) ANNUAL REPORTING.—The Administrator shall transmit to Congress and to the Governors of the States, and shall publish in the Federal Register, on an annual basis a list of all persons identified as significant noncompliers under paragraph (3) in the preceding calendar year and the violations which resulted in such classifications.

''(5) HAZARDOUS POLLUTANT DEFINED.—For purposes of this subsection, the term 'hazardous pollutant' has the meaning the term 'hazardous substance' has under subsection (c)(7) of this section.''.

(11) STATE PROGRAM.—Section 402(b)(7) (33 U.S.C. 1342(b)(7)) is amended to read as follows:

''(7) To abate violations of the permit or the permit program which shall include, beginning on the last day of the 2-year period beginning on the date of the enactment of the Clean Water Compliance and Enforcement Improvement Amendments Act of 1995, a penalty program comparable to the Federal penalty program under section 309 of this Act and which shall include at a minimum criminal, civil, and civil administrative penalties, and may include other ways and means of enforcement, which the State demonstrates to the satisfaction of the Administrator are equally effective as the Federal penalty program;''.

(12) FEDERAL PROCUREMENT COMPLIANCE INCENTIVE.—Section 508(a) (33 U.S.C. 1368(a)) is amended by inserting after the second comma ''or who is identified under section 309(j)(3) of this Act,''.

(e) NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMITS.—

(1) WITHDRAWAL OF STATE PROGRAM APPROVAL.—Section 402(b) (33 U.S.C. 1342(b)) is amended by striking ''unless he determines that adequate authority does not exist:'' and inserting the following: ''only when he determines that adequate authority exists and shall withdraw program approval whenever he determines that adequate authority no longer exists:''.

(2) JUDICIAL REVIEW OF RULINGS ON APPLICATIONS FOR STATE PERMITS.—Section 402(b)(3) is amended by inserting ''and to ensure that any interested person who participated in the public comment process and any other person who could obtain judicial review of that action under any other applicable law has the right to judicial review of such ruling'' before the semicolon at the end.

(3) INSPECTIONS FOR MAJOR INDUSTRIAL AND MUNICIPAL DISCHARGERS.—Section 402(b) is amended—

(A) by striking ''and'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) by adding at the end the following:

''(10) To ensure that any permit for a discharge from a major industrial or municipal facility, as defined by the Administrator by regulation, includes conditions under which such facility will be subject to at least annual inspections by the State in accordance with subsection (q) of this section;''.

(4) MONTHLY REPORTS FOR SIGNIFICANT INDUSTRIAL USERS OF POTWS.—Section 402(b) is further amended by adding at the end the following:

''(11) To ensure that any permit for a discharge from a publicly owned treatment works in the State includes conditions under which the treatment works will require any significant industrial user of the treatment works, as defined by the Administrator by regulation, to prepare and submit to the Administrator, the State, and the treatment works a monthly discharge monitoring report as a condition to using the treatment works;''.

(5) PERMITS REQUIRED FOR INTRODUCTION OF POLLUTANTS INTO POTWS.—Section 402(b) is further amended by adding at the end the following:

''(12) To ensure that, after the last day of the 2-year period beginning on the date of the enactment of this paragraph, any significant industrial user, or other source designated by the Administrator, introducing a pollutant into a publicly owned treatment works has, and operates in accordance with, a permit issued by the treatment works or the State for introduction of such pollutant; and''.

(6) GRANTING OF AUTHORITY TO POTWS FOR INSPECTIONS AND PENALTIES.—Section 402(b) is further amended by adding at the end the following:

''(13) To ensure that the State will grant to publicly owned treatment works in the

State, not later than 3 years after the date of the enactment of this paragraph, authority, power, and responsibility to conduct inspections under subsection (q) of this section and to assess and collect civil penalties and civil administrative penalties under paragraph (7) of this subsection.''.

(7) INSPECTION.—Section 402 is amended by adding at the end the following:

''(r) INSPECTION.—

''(1) GENERAL RULE.—Each permit for a discharge into the navigable waters or introduction of pollutants into a publicly owned treatment works issued under this section shall include conditions under which the effluent being discharged will be subject to random inspections in accordance with this subsection by the Administrator or the State, in the case of a State permit program under this section.

''(2) MINIMUM STANDARDS.—The Administrator shall establish minimum standards for inspections under this subsection. Such standards shall require, at a minimum, the following:

''(A) An annual representative sampling by the Administrator or the State, in the case of a State permit program under this section, of the effluent being discharged; except that if the discharge is not from a major industrial or municipal facility such sampling shall be conducted at least once every 3 years.

''(B) An analysis of all samples collected under subparagraph (A) by a Federal or State owned and operated laboratory or a State approved laboratory, other than one that is being used by the permittee or that is directly or indirectly owned, operated, or managed by the permittee.

''(C) An evaluation of the maintenance record of any treatment equipment of the permittee.

''(D) An evaluation of the sampling techniques used by the permittee.

''(E) A random check of discharge monitoring reports of the permittee for each 12-month period for the purpose of determining whether or not such reports are consistent with the applicable analyses conducted under subparagraph (B).

''(F) An inspection of the sample storage facilities and techniques of the permittee.''.

(8) REPORTING.—Section 402 is further amended by adding at the end the following:

''(s) REPORTING.—

''(1) GENERAL RULE.—Each person holding a permit issued under this section which is determined by the Administrator to be a major industrial or municipal discharger of pollutants into the navigable waters shall prepare and submit to the Administrator a monthly discharge monitoring report. Any other person holding a permit issued under this section shall prepare and submit to the Administrator quarterly discharge monitoring reports or more frequent discharge monitoring reports if the Administrator requires. Such reports shall contain, at a minimum, such information as the Administrator shall require by regulation.

''(2) REPORTING OF HAZARDOUS DISCHARGES.—

''(A) GENERAL RULE.—If a discharge from a point source for which a permit is issued under this section exceeds an effluent limitation contained in such permit which is based on an acute water quality standard or any other discharge which may cause an exceedance of an acute water quality standard or otherwise is likely to cause injury to persons or damage to the environment or to pose a threat to human health and the environment, the person holding such permit shall notify the Administrator, in writing, of such discharge not later than 2 hours after the later of the time at which such discharge commenced or the time at which the permittee knew or had reason to know of such discharge.

''(B) SPECIAL RULE FOR HAZARDOUS POLLUTANTS.—If a discharge described in subparagraph (A) is of a hazardous pollutant (as defined in section 309(j) of this Act), the person holding such permit shall provide the Administrator with such additional information on the discharge as may be required by the Administrator. Such additional information shall be provided to the Administrator within 24 hours after the later of the time at which such discharge commenced or the time at which the permittee became aware of such discharge. Such additional information shall include, at a minimum, an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken or being taken (i) to remediate the problem caused by the discharge and any damage to the environment, and (ii) to avoid a repetition of the discharge.

''(3) SIGNATURE.—All reports filed under paragraph (1) must be signed by the highest ranking official having day-to-day managerial and operational responsibility for the facility at which the discharge occurs or, in the absence of such person, by another responsible high ranking official at such facility. Such highest ranking official shall be responsible for the accuracy of all information contained in such reports; except that such highest ranking official may file with the Administrator amendments to any such report if the report was signed in the absence of the highest ranking official by another high ranking official and if such amendments are filed within 7 days of the return of the highest ranking official.''.

(9) LIMITATION ON ISSUANCE OF PERMITS TO SIGNIFICANT NONCOMPLIERS.—Section 402 is further amended by adding at the end the following:

''(t) SIGNIFICANT NONCOMPLIERS.—No permit may be issued under this section to any person (other than a publicly owned treatment works) identified under section 309(j)(3) of this Act or to any other person owned or controlled by the identified person, owning or controlling the identified person, or under common control with the identified person, until the Administrator or the State or States in which the violation or violations occur determines that the condition or conditions giving rise to such violation or violations have been corrected. No permit application submitted after the date of the enactment of this subsection may be approved unless the application includes a list of all violations of this Act by a person identified under section 309(j) of this Act during the 3-year period preceding the date of submission of the application and evidence indicating whether the underlying cause of each such violation has been corrected.''.

(10) APPLICABILITY.—The amendments made by this subsection shall apply to permits issued before, on, or after the date of the enactment of this Act; except that—

(A) with respect to permits issued before such date of enactment to a major industrial or municipal discharger, such amendments shall take effect on the last day of the 1-year period beginning on such date of enactment; and

(B) with respect to all other permits issued before such date of enactment, such amendments shall take effect on the last day of the 2-year period beginning on such date of enactment.

(f) EXPIRED STATE PERMITS.—Section 402(d) (33 U.S.C. 1342(d)) is amended by adding at the end the following:

''(5) EXPIRED STATE PERMITS.—In any case in which—

''(A) a permit issued by a State for a discharge has expired,

''(B) the permittee has submitted an application to the State for a new permit for the discharge, and

''(C) the State has not acted on the application before the last day of the 18-month period beginning on the date the permit expired,

the Administrator may issue a permit for the discharge under subsection (a).''.

(g) COMPLIANCE SCHEDULE.—Section 302(b)(2)(B) (33 U.S.C. 1312(b)(2)(B)) is amended by adding at the end the following: ''The Administrator may only issue a permit pursuant to this subparagraph for a period exceeding 2 years if the Administrator makes the findings described in clauses (i) and (ii) of this subparagraph on the basis of a public hearing.''.

(h) EMERGENCY POWERS.—Section 504 (33 U.S.C. 1364) is amended to read as follows:

''SEC. 504. COMMUNITY PROTECTION.

''(a) ISSUANCE OF ORDERS; COURT ACTION.—Notwithstanding any other provision of this Act, whenever the Administrator finds that, because of an actual or threatened direct or indirect discharge of a pollutant, there may be an imminent and substantial endangerment to the public health or welfare (including the livelihood of persons) or the environment, the Administrator may issue such orders or take such action as may be necessary to protect public health or welfare or the environment and commence a suit (or cause it to be commenced) in the United States district court for the district where the discharge or threat occurs. Such court may grant such relief to abate the threat and to protect against the endangerment as the public interest and the equities require, enforce, and adjudge penalties for disobedience to orders of the Administrator issued under this section, and grant other relief according to the public interest and the equities of the case.

''(b) ENFORCEMENT OF ORDERS.—Any person who, without sufficient cause, violates or fails to comply with an order of the Administrator issued under this section, shall be liable for civil penalties to the United States in an amount not to exceed $25,000 per day for each day on which such violation or failure occurs or continues.''.

(i) CITIZEN SUITS.—

(1) SUITS FOR PAST VIOLATIONS.—Section 505 (33 U.S.C. 1365) is amended—

(A) in subsection (a)(1) by inserting ''to have violated or'' after ''who is alleged'';

(B) in subsection (b)(1)(A)(ii) by striking ''occurs'' and inserting ''has occurred or is occurring''; and

(C) in subsection (f)(6) by inserting ''has been or'' after ''which''.

(2) TIME LIMIT.—Section 505(b)(1)(A) is amended by striking ''60 days'' and inserting ''30 days''.

(3) EFFECT OF JUDGMENTS ON CITIZEN SUITS.—Section 505(b) is further amended—

(A) in paragraph (1)(B)—

(i) by striking '', or a State''; and

(ii) by striking ''right.'' and inserting ''right and may obtain costs of litigation under subsection (d), or''; and

(B) by adding at the end the following: ''The notice under paragraph (1)(A) need set forth only violations which have been specifically identified in the discharge monitoring reports of the alleged violator. An action by a State under subsection (a)(1) may be brought at any time. No judicial action by the Administrator or a State shall bar an action for the same violation under subsection (a)(1)

unless the action is by the Administrator and meets the requirements of this paragraph. No administrative action by the Administrator or a State shall bar a pending action commenced after February 4, 1987, for the same violation under subsection (a)(1) unless the action by the Administrator or a State meets the requirements of section 309(g)(6) of this Act.''.

(4) CONSENT JUDGMENTS.—Section 505(c)(3) is amended by adding at the end the following: ''Consent judgments entered under this section may provide that the civil penalties included in the consent judgment be used for carrying out mitigation projects in accordance with section 309(d).''.

(5) PRETREATMENT REQUIREMENTS.—Section 505(f)(4) is amended by striking ''or pretreatment standards'' and inserting ''or pretreatment standard or requirement described in section 307(d)''.

(6) EFFLUENT STANDARD DEFINITION.—Section 505(f)(6) is amended by inserting ''narrative or mathematical'' before ''condition''.

(7) DEFINITION OF CITIZEN.—Section 505(g) is amended to read as follows:

''(g) CITIZEN DEFINED.—For purposes of this section, the term 'citizen' means a person or persons having an interest (including a recreational, aesthetic, environmental, health, or economic interest) which is, has been, or may be adversely affected and includes a person who uses or enjoys the waters into which the discharge flows (either directly or through a publicly owned treatment works), who uses or enjoys aquatic resources or nearby lands associated with the waters, or who would use or enjoy the waters, aquatic resources, or nearby lands if they were less polluted.''.

(8) OFFERS OF JUDGMENT.—Section 505 is further amended by adding at the end the following:

''(i) APPLICABILITY OF OFFERS OF JUDGMENT.—Offers of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure shall not be applicable to actions brought under subsection (a)(1) of this section.''.

(j) ISSUANCE OF SUBPOENAS.—Section 509(a)(1) (33 U.S.C. 1369(a)(1)) is amended by striking ''obtaining information under section 305 of this Act, or carrying out section 507(e) of this Act,'' and inserting ''carrying out this Act,''.

(k) JUDICIAL REVIEW OF EPA ACTIONS.—Section 509(b)(1) (33 U.S.C. 1369(b)(1)) is amended—

(1) by inserting after the comma at the end of clause (D) ''including a decision to deny a petition by interested person to veto an individual permit issued by a State,'';

(2) by inserting after the comma at the end of clause (E) ''including a decision not to include any pollutant in such effluent limitation or other limitation if the Administrator has or is made aware of information indicating that such pollutant is present in any discharge subject to such limitation,''; and

(3) by striking ''and (G)'' and inserting the following: ''(G) in issuing or approving any water quality standard under section 303(c) or 303(d), (H) in issuing any water quality criterion under section 304(a), including a decision not to address any effect of the pollutant subject to such criterion if the Administrator has or is made aware of information indicating that such effect may occur, and (J)''.

(l) NATIONAL CLEAN WATER TRUST FUND.—

(1) IN GENERAL.—Title V (33 U.S.C. 1361–1377) is amended by redesignating section 519 as section 522 and by inserting after section 518 the following new section:

''SEC. 519. NATIONAL CLEAN WATER TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Water Trust Fund'.

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Clean Water Trust Fund amounts equivalent to the penalties collected under section 309 of this Act and the penalties collected under section 505(a) of this Act (excluding any amounts ordered to be used to carry out mitigation projects under section 309 or 505(a), as the case may be).

''(c) ADMINISTRATION OF TRUST FUND.—The Administrator shall administer the Clean Water Trust Fund. The Administrator may use moneys in the Fund to carry out inspections and enforcement activities pursuant to this Act. In addition, the Administrator may make such amounts of money in the Fund as the Administrator determines appropriate available to carry out title VI of this Act.''.

(2) CONFORMING AMENDMENT TO STATE REVOLVING FUND PROGRAM.—Section 607 (33 U.S.C. 1387) is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''There is''; and

(B) by adding at the end the following:

''(b) TREATMENT OF TRANSFERS FROM CLEAN WATER TRUST FUND.—For purposes of this title, amounts made available from the Clean Water Trust Fund under section 519 of this Act to carry out this title shall be treated as funds authorized to be appropriated to carry out this title and as funds made available under this title.''.

(m) APPLICABILITY.—Sections 101(h), 309(g)(6)(A), 505(a)(1), 505(b), 505(g), and 505(i) of the Federal Water Pollution Control Act, as inserted or amended by this section, shall be applicable to all cases pending under such Act on the date of the enactment of this Act and all cases brought on or after such date of enactment relating to violations which occurred before such date of amendment.

Redesignate subsequent subsections of section 313 of the bill accordingly.

Page 81, line 4, strike ''(h)'' and insert ''(k)''.

Page 131, line 5, strike ''(r)'' and insert ''(u)''.

Page 188, line 21 strike ''(s)'' and insert ''(v)''.

Page 192, line 6, strike ''(t)'' and insert ''(w)''.

Page 216, line 11, strike ''by'' and all that follows through ''518'' on line 13 and insert ''by inserting after section 519''.

Page 216, line 14, strike ''519'' and insert ''520''.

Page 217, line 7, strike ''before'' and all that follows through the comma on line 8 and insert ''after section 520''.

Page 217, line 9, strike ''520'' and insert ''521''.

Page 321, line 3, strike ''(8)'' and insert ''(7)''.

H.R. 961

OFFERED BY: MR. PALLONE

AMENDMENT NO. 42: Page 240, line 23, after the semicolon insert ''and''

Page 241, line 5, strike the semicolon and all that follows through the period on line 9 and insert a period.

Page 242, line 4, after the semicolon insert ''and''.

Page 242, line 7, strike the semicolon and all that follows through the period on line 11 and insert a period.

Page 276, line 10, strike the comma and all that follows through the comma on line 11.

Page 292, line 17, after the semicolon insert ''and''.

Page 292, strike lines 18 through 20.

Page 292, line 21, strike ''(G)'' and insert ''(F)''.

Page 292, strike line 24, and all that follows through line 6 on page 294.

Page 294, line 7, strike ''(3)'' and insert ''(2)''.

Page 295, line 3, strike ''(4)'' and insert ''(3)''.

Page 295, line 16, strike ''(5)'' and insert ''(4)''.

Page 315, strike lines 11 through 15.

Page 315, line 16, strike ''(K)'' and insert ''(J)''.

Page 315, line 19, strike ''(L)'' and insert ''(K)''.

Page 315, line 21, strike ''(M)'' and insert ''(L)''.

Page 316, line 14, strike ''(N)'' and insert ''(M)''.

H.R. 961

OFFERED BY: MR. PALLONE

AMENDMENT NO. 43: Strike title IX of the bill (pages 323 through 326).

H.R. 961

OFFERED BY: MR. PALLONE

AMENDMENT NO. 44: Page 72, strike line 20 and all that follows through line 18 on page 73 and insert the following:

(b) BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH.—

(1) WATER QUALITY CRITERIA AND STANDARDS.—

(A) ISSUANCE OF CRITERIA.—Section 304(a) (33 U.S.C. 1314(a)) is further amended by adding at the end the following:

''(13) COASTAL RECREATION WATERS.—(A) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue within 18 months after the effective date of this paragraph (and review and revise from time to time thereafter) water quality criteria for pathogens in coastal recreation waters. Such criteria shall—

''(i) be based on the best available scientific information;

''(ii) be sufficient to protect public health and safety in case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activities; and

''(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

''(B) For purposes of this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar primary contact purposes.''.

(B) STANDARDS.—

(i) ADOPTION BY STATES.—A State shall adopt water quality standards for coastal recreation waters which, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(13) of the Federal Water Pollution Control Act not later than 3 years following the date of such publication. Such water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act. A State shall incorporate such standards into all appropriate programs into which such State would incorporate water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act.

(ii) FAILURE OF STATES TO ADOPT.—If a State has not complied with subparagraph (A) by the last day of the 3-year period beginning on the date of publication of criteria under section 304(a)(13) of the Federal Water Pollution Control Act, the Administrator shall promulgate water quality standards for coastal recreation waters for the State under applicable provisions of section 303 of the Federal Water Pollution Control Act. The water quality standards for coastal recreation waters shall be consistent with the criteria published by the Administrator under such section 304(a)(13). The State shall use the standards issued by the Administrator in implementing all programs for which water quality standards for coastal recreation waters are used.

(2) COASTAL BEACH WATER QUALITY MONITORING.—Title IV (33 U.S.C. 1341–1345) is amended by adding at the end thereof the following new section:

"SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

''(a) MONITORING.—Not later than 9 months after the date on which the Administrator publishes revised water quality criteria for coastal recreation waters under section 304(a)(13), the Administrator shall publish regulations specifying methods to be used by States to monitor coastal recreation waters, during periods of use by the public, for compliance with applicable water quality standards for those waters and protection of the public safety. Monitoring requirements established pursuant to this subsection shall, at a minimum—

''(1) specify the frequency of monitoring based on the periods of recreational use of such waters;

''(2) specify the frequency of monitoring based on the extent and degree of use during such periods;

''(3) specify the frequency of monitoring based on the proximity of coastal recreation waters to pollution sources;

''(4) specify methods for detecting short-term increases in pathogens in coastal recreation waters;

''(5) specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Administrator from the monitoring requirements of this subsection, if the Administrator determines that an exemption will not impair—

''(A) compliance with the applicable water quality standards for those waters; and

''(B) protection of the public safety; and

''(6) require, if the State has an approved coastal zone management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), that each coastal zone management agency of the State provide technical assistance to local governments within the State for ensuring that coastal recreation waters and beaches are as free as possible from floatable materials.

''(b) NOTIFICATION REQUIREMENTS.—Regulations published pursuant to subsection (a) shall require States to notify local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Notification pursuant to this subsection shall include, at a minimum—

''(1) prompt communication of the occurrence, nature, and extent of such a violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which a violation is identified; and

''(2) posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for such waters and the potential risks associated with body contact recreation in such waters.

''(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—The Administrator shall—

''(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

''(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

''(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

''(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and revise regulations published pursuant to this section periodically.

''(f) DEFINITIONS.—For the purposes of this section—

''(1) the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes; and

''(2) the term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.''.

(3) STUDY TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOENS IN COASTAL RECREATION WATERS.—

(A) STUDY.—The Administrator, in co-operation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct an ongoing study to provide additional information to the current base of knowledge for use for developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses which are harmful to human health.

(B) REPORT.—Not later than 4 years after the date of the enactment of this Act, and periodically thereafter, the Administrator shall submit to the Congress a report describing the findings of the study under this paragraph, including—

(i) recommendations concerning the need for additional numerical limits or conditions and other actions needed to improve the quality of coastal recreation waters;

(ii) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of such floatable materials; and

(iii) an evaluation of State efforts to implement this section, including the amendments made by this section.

(4) GRANTS TO STATES.—

(1) GRANTS.—The Administrator may make grants to States for use in fulfilling requirements established pursuant to paragraphs (1) and (2) (including any amendments made by such paragraphs).

(B) COST SHARING.—The total amount of grants to a State under this paragraph for a fiscal year shall not exceed 50 percent of the cost to the State of implementing requirements established pursuant to such paragraphs.

(5) DEFINITIONS.—In this subsection—

(A) the term ''coastal recreation waters'' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes; and

(B) the term ''floatable materials'' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator—

(A) for use in making grants to States under paragraph (4) not more than $3,000,000 for each of the fiscal years 1996 and 1997; and

(B) for carrying out the other provisions of this subsection not more than $1,000,000 for each of the fiscal years 1996 and 1997.

Page 204, line 14, strike ''406'' and insert ''407''.

H.R. 961

OFFERED BY: MR. PALLONE

AMENDMENT NO. 45: Strike section 309 of the bill (pages 65 through 70).

Redesignate subsequent sections of title III of the bill accordingly and conform the table of contents of the bill.

H.R. 961

OFFERED BY: MR. RIGGS

AMENDMENT NO. 45: Insert at the appropriate place in title IV the following new section:

'' DISCHARGE VOLUME.—Section 402(o)(2) (33 U.S.C. 1342(o)(2)) is amended in the first sentence by inserting '', or a change in the volume of wastewater discharge,'' after the word ''pollutant''.

H.R. 961

OFFERED BY: MR. RIGGS

AMENDMENT NO. 47: Insert at the appropriate place in title IV the following new section:

'' DISCHARGE VOLUME.—Section 402(o)(2) (33 U.S.C. 1342(o)(2)) is amended in the first sentence by inserting ''the concentration or loading of'' after the words ''applicable to''.

H.R. 961

OFFERED BY: MR. RIGGS

AMENDMENT NO. 48: On page 276, strike lines 3 through 7 and insert in lieu thereof the following:

''ponds, wastewater management facilities (including pipelines, dikes and berms) that are used by concentrated animal feeding or municipal wastewater reuse operations, or irrigation canals and ditches or the maintenance of drainage ditches;''.

H.R. 961

Amendment in the Nature of a Substitute

OFFERED BY: MR. SAXTON

AMENDMENT NO. 49: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Water Amendments of 1995''.

(b) TABLE OF CONTENTS.—

SEC. 2. DEFINITION.

In this Act, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

SEC. 3. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251–1387).

TITLE I—RESEARCH AND RELATED PROGRAMS

SEC. 101. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.

(a) NATIONAL PROGRAMS.—Section 104(a) (33 U.S.C. 1254(a)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) in cooperation with appropriate Federal, State, and local agencies, conduct, promote, and encourage to the maximum extent feasible, in watersheds that may be significantly affected by nonpoint sources of pollution, monitoring and measurement of water quality by means and methods that will help to identify the relative contributions of particular nonpoint sources.''.

(b) GRANTS TO LOCAL GOVERNMENTS.—Section 104(b)(3) (33 U.S.C. 1254(b)(3)) is amended by inserting ''local governments,'' after ''interstate agencies,''.

(c) TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(8) make grants to nonprofit organizations to provide technical assistance and training to rural and small publicly owned treatment works to enable such treatment works to achieve and maintain compliance with the requirements of this Act; and

''(9) disseminate information to rural, small, and disadvantaged communities with respect to the planning, design, construction, and operation of treatment works.''.

(d) WASTEWATER TREATMENT IN IMPOVERISHED COMMUNITIES.—Section 104(q) (33 U.S.C. 1254(q)) is amended by adding at the end the following:

''(5) SMALL IMPOVERISHED COMMUNITIES.—

''(A) GRANTS.—The Administrator may make grants to States to provide assistance for planning, design, and construction of publicly owned treatment works to provide wastewater services to rural communities of 3,000 or less that are not currently served by any sewage collection or water treatment system and are severely economically disadvantaged, as determined by the Administrator.

''(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $50,000,000 per fiscal year for fiscal years 1996 through 2000.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking ''and'' before ''(6)''; and

(2) by inserting before the period at the end the following: ''; and (7) not to exceed $50,000,000 per fiscal year for each of fiscal years 1996 through 2000 for carrying out the provisions of subsections (b)(3), (b)(8), and (b)(9), except that not less than 20 percent of the sums appropriated pursuant to this clause shall be available for carrying out the provisions of subsections (b)(8) and (b)(9)''.

SEC. 102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking ''and'' before ''$75,000,000'';

(2) by inserting after ''1990'' the following: '', such sums as may be necessary for each of fiscal years 1991 through 1995, and $150,000,000 per fiscal year for each of fiscal years 1996 through 2000''; and

(3) by adding at the end the following: ''States or interstate agencies receiving grants under this section may use such funds to finance, with other States or interstate agencies, studies and projects on interstate issues relating to such programs.''.

SEC. 103. MINE WATER POLLUTION CONTROL.

Section 107 (33 U.S.C. 1257) is amended to read as follows:

''SEC. 107. MINE WATER POLLUTION CONTROL.

''(a) ACIDIC AND OTHER TOXIC MINE DRAINAGE.—The Administrator shall establish a program to demonstrate the efficacy of measures for abatement of the causes and treatment of the effects of acidic and other toxic mine drainage within qualified hydrologic units affected by past coal mining practices for the purpose of restoring the biological integrity of waters within such units.

''(b) GRANTS.—

''(1) IN GENERAL.—Any State or Indian tribe may apply to the Administrator for a grant for any project which provides for abatement of the causes or treatment of the effects of acidic or other toxic mine drainage within a qualified hydrologic unit affected by past coal mining practices.

''(2) APPLICATION REQUIREMENTS.—An application submitted to the Administrator under this section shall include each of the following:

''(A) An identification of the qualified hydrologic unit.

''(B) A description of the extent to which acidic or other toxic mine drainage is affecting the water quality and biological resources within the hydrologic unit.

''(C) An identification of the sources of acidic or other toxic mine drainage within the hydrologic unit.

''(D) An identification of the project and the measures proposed to be undertaken to abate the causes or treat the effects of acidic or other toxic mine drainage within the hydrologic unit.

''(E) The cost of undertaking the proposed abatement or treatment measures.

''(c) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of a project receiving grant assistance under this section shall be 50 percent.

''(2) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Contributions of lands, easements, and rights-of-way shall be credited toward the non-Federal share of the cost of a project under this section but not in an amount exceeding 25 percent of the total project cost.

''(3) OPERATION AND MAINTENANCE.—The non-Federal interest shall bear 100 percent of the cost of operation and maintenance of a project under this section.

''(d) PROHIBITED PROJECTS.—No acidic or other toxic mine drainage abatement or treatment project may receive assistance under this section if the project would adversely affect the free-flowing characteristics of any river segment within a qualified hydrologic unit.

''(e) APPLICATIONS FROM FEDERAL ENTITIES.—Any Federal entity may apply to the Administrator for a grant under this section for the purposes of an acidic or toxic mine drainage abatement or treatment project within a qualified hydrologic unit located on lands and waters under the administrative jurisdiction of such entity.

''(f) APPROVAL.—The Administrator shall approve an application submitted pursuant to subsection (b) or (e) after determining that the application meets the requirements of this section.

''(g) QUALIFIED HYDROLOGIC UNIT DEFINED.—For purposes of this section, the term 'qualified hydrologic unit' means a hydrologic unit—

''(1) in which the water quality has been significantly affected by acidic or other toxic mine drainage from past coal mining practices in a manner which adversely impacts biological resources; and

''(2) which contains lands and waters eligible for assistance under title IV of the Surface Mining and Reclamation Act of 1977.''.

SEC. 104. WATER SANITATION IN RURAL AND NATIVE ALASKA VILLAGES.

(a) IN GENERAL.—Section 113 (33 U.S.C. 1263) is amended by striking the section heading and designation and subsections (a) through (f) and inserting the following:

''SEC. 113. ALASKA VILLAGE PROJECTS AND PROGRAMS.

''(a) GRANTS.—The Administrator is authorized to make grants—

''(1) for the development and construction of facilities which provide sanitation services for rural and Native Alaska villages;

''(2) for training, technical assistance, and educational programs relating to operation and maintenance for sanitation services in rural and Native Alaska villages; and

''(3) for reasonable costs of administering and managing grants made and programs and projects carried out under this section; except that not to exceed 4 percent of the amount of any grant made under this section may be made for such costs.

''(b) FEDERAL SHARE.—A grant under this section shall be 50 percent of the cost of the program or project being carried out with such grant.

''(c) SPECIAL RULE.—The Administrator shall award grants under this section for project construction following the rules specified in subpart H of part 1942 of title 7 of the Code of Federal Regulations.

''(d) GRANTS TO STATE FOR BENEFIT OF VILLAGES.—Grants under this section may be made to the State for the benefit of rural Alaska villages and Alaska Native villages.

''(e) COORDINATION.—In carrying out activities under this subsection, the Administrator is directed to coordinate efforts between the State of Alaska, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of the Interior, the Secretary of Agriculture, and the recipients of grants.

''(f) FUNDING.—There is authorized to be appropriated $25,000,000 for fiscal years beginning after September 30, 1995, to carry out this section.''.

(b) CONFORMING AMENDMENT.—Section 113(g) is amended by inserting after ''(g)'' the following: ''DEFINITIONS.—''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS FOR CHESAPEAKE PROGRAM.

Section 117(d) (33 U.S.C. 1267(d)) is amended—

(1) in paragraph (1), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $3,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''; and

(2) in paragraph (2), by inserting ''such sums as may be necessary for fiscal years 1991 through 1995, and $18,000,000 per fiscal year for each of fiscal years 1996 through 2000'' after ''1990,''.

SEC. 106. GREAT LAKES MANAGEMENT.

(a) GREAT LAKES RESEARCH COUNCIL.—

(1) IN GENERAL.—Section 118 (33 U.S.C. 1268) is amended—

(A) in subsection (a)(3)—

(i) by striking subparagraph (E) and inserting the following:

''(E) 'Council' means the Great Lakes Research Council established by subsection (d)(1);'';

(ii) by striking ''and'' at the end of subparagraph (I);

(iii) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

(iv) by adding at the end the following:

''(K) 'Great Lakes research' means the application of scientific or engineering expertise to explain, understand, and predict a physical, chemical, biological, or socioeconomic process, or the interaction of 1 or more of the processes, in the Great Lakes ecosystem.'';

(B) by striking subsection (d) and inserting the following:

''(d) GREAT LAKES RESEARCH COUNCIL.—

''(1) ESTABLISHMENT OF COUNCIL.—There is established a Great Lakes Research Council.

''(2) DUTIES OF COUNCIL.—The Council—

''(A) shall advise and promote the coordination of Federal Great Lakes research activities to avoid unnecessary duplication and ensure greater effectiveness in achieving protection of the Great Lakes ecosystem through the goals of the Great Lakes Water Quality Agreement;

''(B) not later than 1 year after the date of the enactment of this subparagraph and biennially thereafter and after providing opportunity for public review and comment, shall prepare and provide to interested parties a document that includes—

''(i) an assessment of the Great Lakes research activities needed to fulfill the goals of the Great Lakes Water Quality Agreement;

''(ii) an assessment of Federal expertise and capabilities in the activities needed to fulfill the goals of the Great Lakes Water Quality Agreement, including an inventory of Federal Great Lakes research programs, projects, facilities, and personnel; and

''(iii) recommendations for long-term and short-term priorities for Federal Great Lakes research, based on a comparison of the assessments conducted under clauses (i) and (ii);

''(C) shall identify topics for and participate in meetings, workshops, symposia, and conferences on Great Lakes research issues;

''(D) shall make recommendations for the uniform collection of data for enhancing Great Lakes research and management protocols relating to the Great Lakes ecosystem;

''(E) shall advise and cooperate in—

''(i) improving the compatible integration of multimedia data concerning the Great Lakes ecosystem; and

''(ii) any effort to establish a comprehensive multimedia data base for the Great Lakes ecosystem; and

''(F) shall ensure that the results, findings, and information regarding Great Lakes research programs conducted or sponsored by the Federal Government are disseminated in a timely manner, and in useful forms, to interested persons, using to the maximum extent practicable mechanisms in existence on the date of the dissemination, such as the Great Lakes Research Inventory prepared by the International Joint Commission.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of 1 research manager with extensive knowledge of, and scientific expertise and experience in, the Great Lakes ecosystem from each of the following agencies and instrumentalities:

''(i) The Agency.

''(ii) The National Oceanic and Atmospheric Administration.

''(iii) The National Biological Service.

''(iv) The United States Fish and Wildlife Service.

''(v) Any other Federal agency or instrumentality that expends $1,000,000 or more for a fiscal year on Great Lakes research.

''(vi) Any other Federal agency or instrumentality that a majority of the Council membership determines should be represented on the Council.

''(B) NONVOTING MEMBERS.—At the request of a majority of the Council membership, any person who is a representative of a Federal agency or instrumentality not described in subparagraph (A) or any person who is not a Federal employee may serve as a nonvoting member of the Council.

''(4) CHAIRPERSON.—The chairperson of the Council shall be a member of the Council from an agency specified in clause (i), (ii), or (iii) of paragraph (3)(A) who is elected by a majority vote of the members of the Council. The chairperson shall serve as chairperson for a period of 2 years. A member of the Council may not serve as chairperson for more than 2 consecutive terms.

''(5) EXPENSES.—While performing official duties as a member of the Council, a member shall be allowed travel or transportation expenses under section 5703 of title 5, United States Code.

''(6) INTERAGENCY COOPERATION.—The head of each Federal agency or instrumentality that is represented on the Council—

''(A) shall cooperate with the Council in implementing the recommendations developed under paragraph (2);

''(B) on written request of the chairperson of the Council, may make available, on a reimbursable basis or otherwise, such personnel, services, or facilities as may be necessary to assist the Council in carrying out the duties of the Council under this section; and

''(C) on written request of the chairperson, shall furnish data or information necessary to carry out the duties of the Council under this section.

''(7) INTERNATIONAL COOPERATION.—The Council shall cooperate, to the maximum extent practicable, with the research coordination efforts of the Council of Great Lakes Research Managers of the International Joint Commission.

''(8) REIMBURSEMENT FOR REQUESTED ACTIVITIES.—Each Federal agency or instrumentality represented on the Council may reimburse another Federal agency or instrumentality or a non-Federal entity for costs associated with activities authorized under this subsection that are carried out by the other agency, instrumentality, or entity at the request of the Council.

''(9) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''(10) EFFECT ON OTHER LAW.—Nothing in this subsection affects the authority of any Federal agency or instrumentality, under any law, to undertake Great Lakes research activities.'';

(C) in subsection (e)—

(i) in paragraph (1) by striking ''the Program Office and the Research Office shall prepare a joint research plan'' and inserting ''the Program Office, in consultation with the Council, shall prepare a research plan''; and

(ii) in paragraph (3)(A) by striking ''the Research Office, the Agency for Toxic Substances and Disease Registry, and Great Lakes States'' and inserting ''the Council, the Agency for Toxic Substances and Disease Registry, and Great Lakes States,''; and

(D) in subsection (h)—

(i) by adding ''and'' at the end of paragraph (1);

(ii) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENT.—The second sentence of section 403(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447b(a)) is amended by striking ''Great Lakes Research Office authorized under'' and inserting ''Great Lakes Research Council established by''.

(b) CONSISTENCY OF PROGRAMS WITH FEDERAL GUIDANCE.—Section 118(c)(2)(C) (33 U.S.C. 1268(c)(2)(C)) is amended by adding at the end the following: ''For purposes of this section, a State's standards, policies, and procedures shall be considered consistent with such guidance if the standards, policies, and procedures are based on scientifically defensible judgments and policy choices made by the State after consideration of the guidance and provide an overall level of protection comparable to that provided by the guidance, taking into account the specific circumstances of the State's waters.''.

(c) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS

Program.—Section 118(c)(7) is amended by adding at the end the following:

''(D) REAUTHORIZATION OF ASSESSMENT AND REMEDIATION OF CONTAMINATED SEDIMENTS PROGRAM.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, shall conduct at least 3 pilot projects involving promising technologies and practices to remedy contaminated sediments (including at least 1 full-scale demonstration of a remediation technology) at sites in the Great Lakes System, as the Administrator determines appropriate.

''(ii) SELECTION OF SITES.—In selecting sites for the pilot projects, the Administrator shall give priority consideration to—

''(I) the Ashtabula River in Ohio;

''(II) the Buffalo River in New York;

''(III) Duluth and Superior Harbor in Minnesota;

''(IV) the Fox River in Wisconsin;

''(V) the Grand Calumet River in Indiana; and

''(VI) Saginaw Bay in Michigan.

''(iii) DEADLINES.—In carrying out this subparagraph, the Administrator shall—

''(I) not later than 18 months after the date of the enactment of this subparagraph, identify at least 3 sites and the technologies and practices to be demonstrated at the sites (including at least 1 full-scale demonstration of a remediation technology); and

''(II) not later than 5 years after such date of enactment, complete at least 3 pilot projects (including at least 1 full-scale demonstration of a remediation technology).

''(iv) ADDITIONAL PROJECTS.—The Administrator, acting through the Program Office, in consultation and cooperation with the Assistant Secretary of the Army having responsibility for civil works, may conduct additional pilot- and full-scale pilot projects involving promising technologies and practices at sites in the Great Lakes System other than the sites selected under clause (i).

''(v) EXECUTION OF PROJECTS.—The Administrator may cooperate with the Assistant Secretary of the Army having responsibility for civil works to plan, engineer, design, and execute pilot projects under this subparagraph.

''(vi) NON-FEDERAL CONTRIBUTIONS.—The Administrator may accept non-Federal contributions to carry out pilot projects under this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $3,500,000 for each of fiscal years 1996 through 2000.

''(E) TECHNICAL INFORMATION AND ASSISTANCE.—

''(i) IN GENERAL.—The Administrator, acting through the Program Office, may provide technical information and assistance involving technologies and practices for remediation of contaminated sediments to persons that request the information or assistance.

''(ii) TECHNICAL ASSISTANCE PRIORITIES.—In providing technical assistance under this subparagraph, the Administrator, acting through the Program Office, shall give special priority to requests for integrated assessments of, and recommendations regarding, remediation technologies and practices for contaminated sediments at Great Lakes areas of concern.

''(iii) COORDINATION WITH OTHER DEMONSTRATIONS.—The Administrator shall—

''(I) coordinate technology demonstrations conducted under this subparagraph with other federally assisted demonstrations of contaminated sediment remediation technologies; and

''(II) share information from the demonstrations conducted under this subparagraph with the other demonstrations.

''(iv) OTHER SEDIMENT REMEDIATION ACTIVITIES.—Nothing in this subparagraph limits the authority of the Administrator to carry out sediment remediation activities under other laws.

''(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $1,000,000 for each of fiscal years 1996 through 2000.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) RESEARCH AND MANAGEMENT.—Section 118(e)(3)(B) (33 U.S.C. 1268(e)(3)(B)) is amended by inserting before the period at the end the following: '', such sums as may be necessary for fiscal year 1995, and $4,000,000 per fiscal year for each of fiscal years 1996, 1997, and 1998''.

(2) GREAT LAKES PROGRAMS.—Section 118(h) (33 U.S.C. 1268(h)) is amended—

(A) by striking ''and'' before ''$25,000,000''; and

(B) by inserting before the period at the end of the first sentence the following: '', such sums as may be necessary for fiscal years 1992 through 1995, and $17,500,000 per fiscal year for each of fiscal years 1996 through 2000''.

TITLE II—CONSTRUCTION GRANTS

SEC. 201. USES OF FUNDS.

(a) NONPOINT SOURCE PROGRAM.—Section 201(g)(1) (33 U.S.C. 1281(g)(1)) is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the last sentence and inserting the following: ''and for any purpose for which a grant may be made under sections 319(h) and 319(i) of this Act (including any innovative and alternative approaches for the control of nonpoint sources of pollution).''.

(b) RETROACTIVE ELIGIBILITY.—Section 201(g)(1) is further amended by adding at the end the following: ''The Administrator, with the concurrence of the States, shall develop procedures to facilitate and expedite the retroactive eligibility and provision of grant funding for facilities already under construction.''.

SEC. 202. ADMINISTRATION OF CLOSEOUT OF CONSTRUCTION GRANT PROGRAM.

Section 205(g)(1) (33 U.S.C. 1285(g)(1)) is amended by adding at the end the following: ''The Administrator may negotiate an annual budget with a State for the purpose of administering the closeout of the State's construction grants program under this title. Sums made available for administering such closeout shall be subtracted from amounts remaining available for obligation under the State's construction grant program under this title.''.

SEC. 203. SEWAGE COLLECTION SYSTEMS.

Section 211(a) (33 U.S.C. 1291(a)) is amended—

(1) in clause (1) by striking ''an existing collection system'' and inserting ''a collection system existing on the date of the enactment of the Clean Water Amendments of 1995''; and

(2) in clause (2)—

(A) by striking ''an existing community'' and inserting ''a community existing on such date of enactment''; and

(B) by striking ''sufficient existing'' and inserting ''sufficient capacity existing on such date of enactment''.

SEC. 204. VALUE ENGINEERING REVIEW.

Section 218(c) (33 U.S.C. 1298(c)) is amended by striking ''$10,000,000'' and inserting ''$25,000,000''.

SEC. 205. GRANTS FOR WASTEWATER TREATMENT.

(a) COASTAL LOCALITIES.—The Administrator shall make grants under title II of the Federal Water Pollution Control Act to appropriate instrumentalities for the purpose of construction of treatment works (including combined sewer overflow facilities) to serve coastal localities. No less than $10,000,000 of the amount of such grants shall be used for water infrastructure improvements in New Orleans, no less than $3,000,000 of the amount of such grants shall be used for water infrastructure improvements in Bristol County, Massachusetts, and no less than ⅓ of the amount of such grants shall be used to assist localities that meet both of the following criteria:

(1) NEED.—A locality that has over $2,000,000,000 in category I treatment needs documented and accepted in the Environmental Protection Agency's 1992 Needs Survey database as of February 4, 1993.

(2) HARDSHIP.—A locality that has wastewater user charges, for residential use of 7,000 gallons per month based on Ernst & Young National Water and Wastewater 1992 Rate Survey, greater than 0.65 percent of 1989 median household income for the metropolitan statistical area in which such locality is located as measured by the Bureau of the Census.

(b) FEDERAL SHARE.—Notwithstanding section 202(a)(1) of the Federal Water Pollution Control Act, the Federal share of grants under subsection (a) shall be 80 percent of the cost of construction, and the non-Federal share shall be 20 percent of the cost of construction.

(c) SMALL COMMUNITIES.—The Administrator shall make grants to States for the purpose of providing assistance for the construction of treatment works to serve small communities as defined by the State; except that the term ''small communities'' may not include any locality with a population greater than 75,000. Funds made available to carry out this subsection shall be allotted by the Administrator to the States in accordance with the allotment formula contained in section 604(a) of the Federal Water Pollution Control Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section $300,000,000 for fiscal year 1996. Such sums shall remain available until expended and shall be equally divided between subsections (a) and (c) of this section. Such authorization of appropriation shall take effect only if the total amount appropriated for fiscal year 1996 to carry out title VI of the Federal Water Pollution Control Act is at least $3,000,000,000.

TITLE III—STANDARDS AND ENFORCEMENT

SEC. 301. ARID AREAS.

(a) CONSTRUCTED WATER CONVEYANCES.—Section 303(c)(2) (33 U.S.C. 1313(c)(2)) is amended by adding at the end the following:

''(D) STANDARDS FOR CONSTRUCTED WATER CONVEYANCES.—

''(i) RELEVANT FACTORS.—If a State exercises jurisdiction over constructed water conveyances in establishing standards under this section, the State may consider the following:

''(I) The existing and planned uses of water transported in a conveyance system.

''(II) Any water quality impacts resulting from any return flow from a constructed water conveyance to navigable waters and the need to protect downstream users.

''(III) Management practices necessary to maintain the conveyance system.

''(IV) State or regional water resources management and water conservation plans.

''(V) The authorized purpose for the constructed conveyance.

''(ii) RELEVANT USES.—If a State adopts or reviews water quality standards for constructed water conveyances, it shall not be

required to establish recreation, aquatic life, or fish consumption uses for such systems if the uses are not existing or reasonably foreseeable or such uses impede the authorized uses of the conveyance system.''.

(b) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—Section 304(a) (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) CRITERIA AND GUIDANCE FOR EPHEMERAL AND EFFLUENT-DEPENDENT STREAMS.—

''(A) DEVELOPMENT.—Not later than 2 years after the date of the enactment of this paragraph, and after providing notice and opportunity for public comment, the Administrator shall develop and publish—

''(i) criteria for ephemeral and effluent-dependent streams; and

''(ii) guidance to the States on development and adoption of water quality standards applicable to such streams.

''(B) FACTORS.—The criteria and guidance developed under subparagraph (A) shall take into account the limited ability of ephemeral and effluent-dependent streams to support aquatic life and certain designated uses, shall include consideration of the role the discharge may play in maintaining the flow or level of such waters, and shall promote the beneficial use of reclaimed water pursuant to section 101(a)(10).''.

(c) FACTORS REQUIRED TO BE CONSIDERED BY ADMINISTRATOR.—Section 303(c)(4) is amended by adding at the end the following: ''In revising or adopting any new standard for ephemeral or effluent-dependent streams under this paragraph, the Administrator shall consider the factors referred to in section 304(a)(9)(B).''.

(d) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(21) The term 'effluent-dependent stream' means a stream or a segment thereof—

''(A) with respect to which the flow (based on the annual average expected flow, determined by calculating the average mode over a 10-year period) is primarily attributable to the discharge of treated wastewater;

''(B) that, in the absence of a discharge of treated wastewater and other primary anthropogenic surface or subsurface flows, would be an ephemeral stream; or

''(C) that is an effluent-dependent stream under applicable State water quality standards.

''(22) The term 'ephemeral stream' means a stream or segments thereof that flows periodically in response to precipitation, snowmelt, or runoff.

''(23) The term 'constructed water conveyance' means a manmade water transport system constructed for the purpose of transporting water in a waterway that is not and never was a natural perennial waterway.''.

SEC. 302. SECONDARY TREATMENT.

(a) COASTAL DISCHARGES.—Section 304(d) (33 U.S.C. 1314(d)) is amended by adding at the end the following:

''(5) COASTAL DISCHARGES.—For purposes of this subsection, any municipal wastewater treatment facility shall be deemed the equivalent of a secondary treatment facility if each of the following requirements is met:

''(A) The facility employs chemically enhanced primary treatment.

''(B) The facility, on the date of the enactment of this paragraph, discharges through an ocean outfall into an open marine environment greater than 4 miles offshore into a depth greater than 300 feet.

''(C) The facility's discharge is in compliance with all local and State water quality standards for the receiving waters.

''(D) The facility's discharge will be subject to an ocean monitoring program acceptable to relevant Federal and State regulatory agencies.''.

(b) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

(1) IN GENERAL.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(s) MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator, with the concurrence of the State, shall issue a 10-year permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works into marine waters which are at least 150 feet deep through an ocean outfall which discharges at least 1 mile offshore, if the applicant demonstrates that—

''(A) there is an applicable ocean plan and the facility's discharge is in compliance with all local and State water quality standards for the receiving waters;

''(B) the facility's discharge will be subject to an ocean monitoring program determined to be acceptable by relevant Federal and State regulatory agencies;

''(C) the applicant has an Agency approved pretreatment plan in place; and

''(D) the applicant, at the time such modification becomes effective, will be discharging effluent which has received at least chemically enhanced primary treatment and achieves a monthly average of 75 percent removal of suspended solids.

''(2) DISCHARGE OF ANY POLLUTANT INTO MARINE WATERS DEFINED.—For purposes of this subsection, the term 'discharge of any pollutant into marine waters' means a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement.

''(3) DEADLINE.—On or before the 90th day after the date of submittal of an application for a modification under paragraph (1), the Administrator shall issue to the applicant a modified permit under section 402 or a written determination that the application does not meet the terms and conditions of this subsection.

''(4) EFFECT OF FAILURE TO RESPOND.—If the Administrator does not respond to an application for a modification under paragraph (1) on or before the 90th day referred to in paragraph (3), the application shall be deemed approved and the modification sought by the applicant shall be in effect for the succeeding 10-year period.''.

(2) EXTENSION OF APPLICATION DEADLINE.—Section 301(j) (33 U.S.C. 1311(j)) is amended by adding at the end the following:

''(6) EXTENSION OF APPLICATION DEADLINE.—In the 365-day period beginning on the date of the enactment of this paragraph, municipalities may apply for a modification pursuant to subsection (s) of the requirements of subsection (b)(1)(B) of this section.''.

(c) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—Section 301 (33 U.S.C. 1311) is amended by adding at the end the following:

''(t) MODIFICATIONS FOR SMALL SYSTEM TREATMENT TECHNOLOGIES.—The Administrator, with the concurrence of the State, or a State with an approved program under section 402 may issue a permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant from a publicly owned treatment works serving a community of 20,000 people or fewer if the applicant demonstrates to the satisfaction of the Administrator that—

''(1) the effluent from such facility originates primarily from domestic users; and

''(2) such facility utilizes a properly constructed and operated alternative treatment system (including recirculating sand filter systems, constructed wetlands, and oxidation lagoons) which is equivalent to secondary treatment or will provide in the receiving waters and watershed an adequate level of protection to human health and the environment and contribute to the attainment of water quality standards.''.

(d) PUERTO RICO.—Section 301 (33 U.S.C. 1311) is further amended by adding at the end the following:

''(u) PUERTO RICO.—

''(1) STUDY BY GOVERNMENT OF PUERTO RICO.—Not later than 3 months after the date of the enactment of this section, the Government of Puerto Rico may, after consultation with the Administrator, initiate a study of the marine environment of Anasco Bay off the coast of the Mayaguez region of Puerto Rico to determine the feasibility of constructing a deepwater outfall for the publicly owned treatment works located at Mayaguez, Puerto Rico. Such study shall recommend one or more technically feasible locations for the deepwater outfall based on the effects of such outfall on the marine environment.

''(2) APPLICATION FOR MODIFICATION.—Notwithstanding subsection (j)(1)(A), not later than 18 months after the date of the enactment of this section, an application may be submitted for a modification pursuant to subsection (h) of the requirements of subsection (b)(1)(B) of this section by the owner of the publicly owned treatment works at Mayaguez, Puerto Rico, for a deepwater outfall at a location recommended in the study conducted pursuant to paragraph (1).

''(3) INITIAL DETERMINATION.—On or before the 90th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue to the applicant a draft initial determination regarding the modification of the existing permit.

''(4) FINAL DETERMINATION.—On or before the 270th day after the date of submittal of an application for modification under paragraph (2), the Administrator shall issue a final determination regarding such modification.

''(5) EFFECTIVENESS.—If a modification is granted pursuant to an application submitted under this subsection, such modification shall be effective only if the new deepwater outfall is operational within 5 years after the date of the enactment of this subsection. In all other aspects, such modification shall be effective for the period applicable to all modifications granted under subsection (h).''.

SEC. 303. FEDERAL FACILITIES.

(a) APPLICATION OF CERTAIN PROVISIONS.—Section 313(a) (33 U.S.C. 1323(a)) is amended by striking all preceding subsection (b) and inserting the following:

''SEC. 313. FEDERAL FACILITIES POLLUTION CONTROL.

''(a) APPLICABILITY OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAWS.—

''(1) IN GENERAL.—Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government—

''(A) having jurisdiction over any property or facility, or

''(B) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants,

and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity, including the payment of reasonable service charges.

''(2) TYPES OF ACTIONS COVERED.—Paragraph (1) shall apply—

''(A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits, and any other requirement),

''(B) to the exercise of any Federal, State, or local administrative authority, and

''(C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner.

''(3) PENALTIES AND FINES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authority, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

''(4) SOVEREIGN IMMUNITY.—

''(A) WAIVER.—The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, and process and sanctions referred to in paragraph (1) (including any injunctive relief, any administrative order, any civil or administrative penalty or fine referred to in paragraph (3), or any reasonable service charge).

''(B) PROCESSING FEES.—The reasonable service charges referred to in this paragraph include fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local water pollution regulatory program.

''(5) EXEMPTIONS.—

''(A) GENERAL AUTHORITY OF PRESIDENT.—The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any requirement to which paragraph (1) applies if the President determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act.

''(B) LIMITATION.—No exemptions shall be granted under subparagraph (A) due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

''(C) TIME PERIOD.—Any exemption under subparagraph (A) shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods of not to exceed 1 year upon the President's making a new determination.

''(D) MILITARY PROPERTY.—In addition to any exemption of a particular effluent source, the President may, if the President determines it to be in the paramount interest of the United States to do so, issue regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vessels, vehicles, or other classes or categories of property, and access to such property, which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at 3-year intervals.

''(E) REPORTS.—The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with the President's reason for granting such exemption.

''(6) VENUE.—Nothing in this section shall be construed to prevent any department, agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof in the performance of official duties, from removing to the appropriate Federal district court any proceeding to which the department, agency, or instrumentality or officer, agent, or employee thereof is subject pursuant to this section, and any such proceeding may be removed in accordance with chapter 89 of title 28, United States Code.

''(7) PERSONAL LIABILITY OF FEDERAL EMPLOYEES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local water pollution law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

''(8) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including any fine or imprisonment) under any Federal or State water pollution law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.''.

(b) FUNDS COLLECTED BY A STATE.—Section 313 (33 U.S.C. 1323) is further amended by adding at the end the following:

''(c) LIMITATION ON STATE USE OF FUNDS.—Unless a State law in effect on the date of the enactment of this subsection or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government in penalties and fines imposed for the violation of a substantive or procedural requirement referred to in subsection (a) shall be used by a State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.''.

(c) ENFORCEMENT.—Section 313 is further amended by adding at the end the following:

''(d) FEDERAL FACILITY ENFORCEMENT.—

''(1) ADMINISTRATIVE ENFORCEMENT BY EPA.—The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act.

''(2) PROCEDURE.—The Administrator shall initiate an administrative enforcement action against a department, agency, or instrumentality under this subsection in the same manner and under the same circumstances as an action would be initiated against any other person under this Act. The amount of any administrative penalty imposed under this subsection shall be determined in accordance with section 309(d) of this Act.

''(3) VOLUNTARY SETTLEMENT.—Any voluntary resolution or settlement of an action under this subsection shall be set forth in an administrative consent order.

''(4) CONFERRAL WITH EPA.—No administrative order issued to a department, agency, or instrumentality under this section shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.''.

(d) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Section 313 is further amended by adding at the end the following:

''(e) LIMITATION ON ACTIONS AND RIGHT OF INTERVENTION.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or for which the Administrator has issued a final order and the violator has either paid a penalty or fine assessed under this subsection or is subject to an enforceable schedule of corrective actions, shall not be the subject of an action under section 505 of this Act. In any action under this subsection, any citizen may intervene as a matter of right.''.

(e) DEFINITION OF PERSON.—Section 502(5) (33 U.S.C. 1362(5)) is amended by inserting before the period at the end the following: ''and includes any department, agency, or instrumentality of the United States''.

(f) DEFINITION OF RADIOACTIVE MATERIALS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(24) The term 'radioactive materials' includes source materials, special nuclear materials, and byproduct materials (as such terms are defined under the Atomic Energy Act of 1954) which are used, produced, or managed at facilities not licensed by the Nuclear Regulatory Commission; except that such term does not include any material which is discharged from a vessel or other facility covered by Executive Order 12344 (42 U.S.C. 7158 note; relating to the Naval Nuclear Propulsion Program).''.

(g) CONFORMING AMENDMENTS.—Section 313(b) (33 U.S.C. 1323(b)) is amended—

(1) by striking ''(b)(1)'' and inserting the following:

''(b) WASTEWATER FACILITIES.—

''(1) COOPERATION FOR USE OF WASTEWATER CONTROL SYSTEMS.—'';

(2) in paragraph (2) by inserting ''LIMITATION ON CONSTRUCTION.—'' before ''Construction''; and

(3) by moving paragraphs (1) and (2) 2 ems to the right.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall only apply to violations occurring after such date of enactment.

SEC. 304. NATIONAL ESTUARY PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The Nation's estuaries are a vital natural resource to which many regional economies are closely tied.

(2) Many of the Nation's estuaries are under a severe threat from point source pollution and polluted run-off (nonpoint source pollution) and from habitat alteration and destruction.

(3) Only through expanded investments in waste water treatment and other water and sediment pollution control and prevention efforts can the environmental and economic values of the Nation's estuaries be restored and protected.

(4) The National Estuary Program created under the Federal Water Pollution Control Act has significantly advanced the Nation's understanding of the declining condition of the Nation's estuaries.

(5) The National Estuary Program has also provided precise information about the corrective and preventative measures required to reverse the degradation of water and sediment quality and to halt the alteration and destruction of vital habitat in the Nation's estuaries.

(6) The level of funding available to States, municipalities, and the Environmental Protection Agency for implementation of approved conservation and management plans is inadequate, and additional financial resources must be provided.

(7) Funding for implementation of approved conservation and management plans should be provided under the State revolving loan fund program authorized by title VI of the Federal Water Pollution Control Act.

(8) Authorization levels for State revolving loan fund capitalization grants should be increased by an amount necessary to ensure

the achievement of the goals of the Federal Water Pollution Control Act.

(b) TECHNICAL AMENDMENT.—Section 320(a)(2)(B) (33 U.S.C. 1330(a)(2)(B)) is amended to read as follows:

''(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor); Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; Santa Monica Bay, California; Galveston Bay, Texas; Barataria-Terrebonne Bay estuary complex, Louisiana; Indian River Lagoon, Florida; Charlotte Harbor, Florida; Barnegat Bay, New Jersey; and Peconic Bay, New York.''.

(c) GRANTS.—Section 320(g)(2) (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation monitoring'' after ''development''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) (33 U.S.C. 1330(i)) is amended by striking ''1987'' and all that follows through ''1991'' and inserting the following: ''1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1995, and $19,000,000 per fiscal year for each of fiscal years 1996 through 2000''.

SEC. 305. NONPOINT SOURCE MANAGEMENT PROGRAMS.

(a) REVIEW AND REVISION.—Section 319(b) (33 U.S.C. 1329(b)) is amended by adding at the end the following:

''(5) REVIEW AND REVISION.—Not later than 18 months after the date of the enactment of this paragraph, the State shall review and revise the report required by this subsection and submit such revised report to the Administrator for approval.''.

(b) APPROVAL OR DISAPPROVAL OF MANAGEMENT PROGRAMS.—Section 319(d)(1) (33 U.S.C. 1329(d)(1)) is amended by inserting ''or revised management program'' after ''management program'' each place it appears.

(c) GRANTS FOR PROTECTING GROUND WATER QUALITY.—Section 319(i)(3) (33 U.S.C. 1329(i)(3)) is amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 319(j) (33 U.S.C. 1329(j)) is amended—

(1) by striking ''and'' before ''$130,000,000'';

(2) by inserting after ''1991'' the following: '', such sums as may be necessary for fiscal years 1992 through 1995, $100,000,000 for fiscal year 1996, $150,000,000 for fiscal year 1997, $200,000,000 for fiscal year 1998, $250,000,000 for fiscal year 1999, and $300,000,000 for fiscal year 2000''; and

(3) by striking ''$7,500,000'' and inserting ''$25,000,000''.

(e) AGRICULTURAL INPUTS.—Section 319 (33 U.S.C. 1329) is amended by adding at the end the following:

''(o) AGRICULTURAL INPUTS.—For the purposes of this Act, any land application of livestock manure shall not be considered a point source and shall be subject to enforcement only under this section.''.

SEC. 306. COASTAL ZONE MANAGEMENT.

Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''(A)'' after ''PROGRAM DEVELOPMENT.—''; and

(B) by adding at the end the following:

''(B) A State that has not received Federal approval for the State's core coastal management program pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) shall have 30 months from the date of approval of such program to submit a Coastal Nonpoint Pollution Program pursuant to this section. Any such State shall also be eligible for any extension of time for submittal of the State's nonpoint program that may be received by a State with a federally approved coastal management program.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''to protect coastal waters generally'' and inserting ''to restore and protect coastal waters where the State has determined that coastal waters are threatened or significantly degraded'';

(3) in subsection (b)(3)—

(A) by striking ''The implementation'' and inserting ''A schedule for the implementation''; and

(B) by inserting '', and no less often than once every 5 years,'' after ''from time to time'';

(4) in subsection (b) by adding at the end the following:

''(7) IDENTIFICATION OF PRIORITY AREAS.—A prioritization of the areas in the State in which management measures will be implemented.'';

(5) in subsection (c) by adding at the end the following:

''(5) CONDITIONAL APPROVAL.—The Secretary and Administrator may grant conditional approval to a State's program where the State requests additional time to complete the development of its program. During the period during which the State's program is subject to conditional approval, the penalty provisions of paragraphs (3) and (4) shall not apply.'';

(6) in subsection (h)(1) by striking '', 1993, and 1994'' and inserting ''through 2000''; and

(7) in subsection (h)(2)(B)(iv) by striking ''fiscal year 1995'' and inserting ''each of fiscal years 1995 through 2000''.

SEC. 307. COMPREHENSIVE WATERSHED MANAGEMENT.

(a) IN GENERAL.—Title III (33 U.S.C. 1300–1330) is amended by adding at the end the following:

''SEC. 321. COMPREHENSIVE WATERSHED MANAGEMENT.

''(a) FINDINGS, PURPOSE, AND DEFINITIONS.—

''(1) FINDINGS.—Congress finds that comprehensive watershed management will further the goals and objectives of this Act by—

''(A) identifying more fully water quality impairments and the pollutants, sources, and activities causing the impairments;

''(B) integrating water protection quality efforts under this Act with other natural resource protection efforts, including Federal efforts to define and protect ecological systems (including the waters and the living resources supported by the waters);

''(C) defining long-term social, economic, and natural resource objectives and the water quality necessary to attain or maintain the objectives;

''(D) increasing, through citizen participation in the watershed management process, public support for improved water quality;

''(E) identifying priority water quality problems that need immediate attention; and

''(F) identifying the most cost-effective measures to achieve the objectives of this Act.

''(2) PURPOSE.—The purpose of this section is to encourage comprehensive watershed management in maintaining and enhancing water quality, in restoring and protecting living resources supported by the waters, and in ensuring waters of a quality sufficient to meet human needs, including water supply and recreation.

''(3) DEFINITIONS.—In this section, the following definitions apply:

''(A) ECOSYSTEM.—The term 'ecosystem' means the community of plants and animals (including humans) and the environment (including surface water, the ground water with which it interacts, and riparian areas) upon which that community depends.

''(B) ENVIRONMENTAL OBJECTIVES.—The term 'environmental objectives' means the goals specified by States or State-designated watershed management entities to protect, restore, and maintain water resources and aquatic ecosystems within a watershed, including applicable water quality standards and wetlands protection goals established under the Act.

''(C) STATE.—The term 'State' includes Indian tribes eligible under section 518(e).

''(b) STATE WATERSHED PROGRAM.—

''(1) SUBMITTAL.—A State, at any time, may submit to the Administrator for approval a watershed management program for the State.

''(2) APPROVAL.—The Administrator shall approve a State watershed program submitted under paragraph (1) if the program, at a minimum, contains the following elements:

''(A) An identification of the State agency generally responsible for overseeing and approving watershed management plans and a designation of watershed management entities and lead responsibilities for such entities. Such entities may include other State agencies and sub-State agencies.

''(B) A description of the scope of the program. In determining the scope of the program, the State may choose to address all watersheds within the State over a period of time or to concentrate efforts on selected watersheds. Within each watershed, the issues to be addressed should be based on a comprehensive analysis of the problems within the watershed. The scope of the program may expand over a period of time both in terms of the number of watersheds and the issues addressed by the program.

''(C) An identification of watershed management units for which watershed management plans will be developed. In selecting such units, the State shall consider those waters in the State that are water quality threatened or impaired or are otherwise in need of special protection. To the extent practicable, the boundaries of each watershed management unit shall be consistent with United States Geological Service hydrological units.

''(D) A description of activities required of watershed management entities (as specified under subsection (f)(1)) and a description of the State's approval process for watershed management plans.

''(E) A specification of an effective public participation process, including procedures to encourage the public to participate in developing and implementing watershed management plans.

''(F) An identification of the statewide environmental objectives that will be pursued in each watershed. Such objectives, at a minimum, shall include State water quality standards and goals under this Act, and, as appropriate, other objectives such as habitat restoration and biological diversity.

''(2) DEADLINE.—The Administrator, after consultation with other Federal agencies, shall approve or disapprove a State watershed program submitted under paragraph (1) on or before the 180th day following the date of the submittal. If a State watershed program is disapproved, the State may modify and resubmit its program under paragraph (1).

''(3) ANNUAL REPORT.—A State with an approved watershed program under this subsection shall provide to the Administrator an annual report summarizing the status of

the program, including a description of any modifications to the program. An annual report submitted under this section may be used by the State to satisfy reporting requirements under sections 106, 314, 319, and 320.

''(4) EFFECTIVE PERIOD OF APPROVALS.—An approval of a State watershed program under paragraph (2) shall remain in effect for a 5-year period beginning on the date of the approval and may be renewed by the Administrator.

''(5) WITHDRAWAL OF APPROVAL.—Whenever the Administrator determines after public hearing that a State is not administering a watershed program approved under paragraph (2) in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

''(c) DESIGNATION OF ADDITIONAL WATERSHED MANAGEMENT UNITS AND ENTITIES.—A State with an approved watershed program under this section may modify such program at any time in order to designate additional watershed management units and entities, including lead responsibilities, for the purpose of developing and implementing watershed management plans.

''(d) ELIGIBLE WATERSHED MANAGEMENT AND PLANNING ACTIVITIES.—The following watershed management activities are eligible to receive assistance from the Administrator under sections 205(j), 319(h), and 604(b):

''(1) Characterizing waters and land uses.

''(2) Identifying problems within a watershed.

''(3) Selecting short-term and long-term goals for watershed management.

''(4) Developing and implementing measures and practices to meet identified goals.

''(5) Identifying and coordinating projects and activities necessary to restore and maintain water quality or meet other environmental objectives within the watershed.

''(6) Identifying the appropriate institutional arrangements to carry out an approved watershed management plan.

''(7) Updating an approved watershed management plan.

''(8) Any other activities deemed appropriate by the Administrator.

''(e) SUPPORT FOR WATERSHED MANAGEMENT AND PLANNING.—

''(1) INTERAGENCY COMMITTEE.—There is established an interagency committee to support comprehensive watershed management and planning. The President shall appoint the members of the committee. The members shall include a representative from each Federal agency that carries out programs and activities that may have a significant impact on water quality or other natural resource values that may be appropriately addressed through comprehensive watershed management.

''(2) USE OF OTHER FUNDS UNDER THIS ACT.—The planning and implementation activities carried out by a management entity pursuant to this section may be carried out with funds made available through the State pursuant to sections 205(j), 319(h), and 604(b).

''(f) APPROVED PLANS.—

''(1) MINIMUM REQUIREMENTS.—A State with an approved watershed program may approve a watershed management plan when such plan satisfies the following conditions:

''(A) If the watershed includes waters that are not meeting applicable water quality standards under this Act at the time of submission, the plan—

''(i) identifies the environmental objectives of the plan including, at a minimum, State water quality standards and goals under this Act, and any other environmental objectives the planning entity deems appropriate;

''(ii) identifies the stressors, pollutants, and sources causing the impairment;

''(iii) identifies actions necessary to achieve the environmental objectives of the plan, including source reduction of pollutants to achieve any allocated load reductions consistent with the requirements of section 303(d) and the priority for implementing such actions;

''(iv) contains an implementation plan, with schedules, milestones, projected completion dates, and the identification of those persons responsible for implementing the actions, demonstrating that water quality standards will be attained as expeditiously as practicable, but not later than deadlines in applicable sections of this Act and all other environmental objectives identified in the watershed management plan will be attained as expeditiously as practicable;

''(v) contains an effective public participation process in the development and implementation of the plan;

''(vi) specifies a process to monitor and evaluate progress toward meeting environmental objectives; and

''(vii) specifies a process to revise the plan as needed.

''(B) For those waters in the watershed attaining water quality standards at the time of submission (including threatened waters), the plan identifies those projects and activities necessary to maintain water quality standards and attain or maintain other environmental objectives in the future.

''(2) TERMS OF PLAN AND PLAN APPROVAL.—Each plan submitted and approved under this subsection shall extend for a period of not less than 5 years and include a planning and implementation schedule with milestones and completion dates within that period. The approval by the State of a plan shall apply for a period not exceed 5 years. A revised and updated plan may be submitted prior to the expiration of the period specified in the preceding sentence for approval pursuant to the same conditions and requirements that apply to an initial plan for a watershed that is approved pursuant to this subsection.

''(g) INCENTIVES FOR WATERSHED MANAGEMENT.—

''(1) POINT SOURCE PERMITS.—

''(A) IN GENERAL.—Notwithstanding section 301(b)(1)(C), a permit may be issued under section 402 with a limitation that does not meet water quality standards, if—

''(i) the receiving water is in a watershed with an approved watershed plan;

''(ii) the plan includes enforceable requirements under State or local law for nonpoint source pollutant load reductions that in combination with point source requirements will meet water quality standards prior to the expiration of plan; and

''(iii) the point source does not have a history of significant noncompliance with its permit effluent limitations, as determined by the Administrator or the State (in the case with an approved permit under section 402).

''(B) SYNCHRONIZED PERMIT TERMS.—Notwithstanding section 402(b)(1)(B), the term of a permit issued under section 402 may be extended by 5 years if the discharge is located in a watershed planning area for which a watershed management plan is to be developed.

''(C) 10-YEAR PERMIT TERMS.—Notwithstanding section 402(b)(1)(B), the term of a permit issued under section 402 may be extended to 10 years for any point source located in a watershed management unit for which a watershed management plan has been approved if the plan provides for the attainment and maintenance of water quality standards (including designated uses) in the affected waters and unless receiving waters are not meeting water quality standards due to the point source discharge. Such permits may be revised at any time if necessary to meet water quality standards.

''(2) NONPOINT SOURCE CONTROLS.—Not later than 30 months after the date of the enactment of this section, a State with an approved watershed program under this section may make a showing to the Administrator that nonpoint source management practices different from those established in national guidance issued by the Administrator under section 319 will attain water quality standards as expeditiously as practicable and not later than the deadlines established by this Act. If the Administrator is satisfied with such showing, then the Administrator may approve the State's nonpoint source management program that relies on such practices as meeting the requirements of section 319. Alternative watershed nonpoint source control practices must be identified in the watershed management plan adopted under subsection (f)(2) of this section.

''(3) FUNDING.—The Administrator may provide assistance to a State with an approved watershed management program under this section in the form of a multipurpose grant that would provide for single application, workplan and review, matching, oversight, and end-of-year closeout requirements for grant funding under sections 104(b)(3), 104(g), 106, 314(b), 319, 320, and 604(b). A State with an approved multipurpose grant may focus activities funded under such sections on a priority basis consistent with State-approved watershed management plans.

''(h) GUIDANCE.—Not later than 12 months after the date of the enactment of this section, and after consultation with other appropriate agencies, the Administrator shall issue guidance on recommended provisions to be included in State watershed programs and State-approved watershed management plans.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator for providing grants to States to assist such States in carrying out activities under this section $25,000,000 per fiscal year for each of fiscal years 1996 through 2000.''.

(b) CONFORMING AMENDMENT.—Section 401(a)(1) (33 U.S.C. 1341(a)(1)) is amended by inserting ''and with the provisions of a management plan approved by a State under section 321 of this Act'' before the period at the end of the first sentence.

SEC. 308. REVISION OF EFFLUENT LIMITATIONS.

(a) ELIMINATION OF REQUIREMENT FOR ANNUAL REVISION.—Section 304(b) (33 U.S.C. 1314(b)) is amended in the matter preceding paragraph (1) by striking ''and, at least annually thereafter,'' and inserting ''and thereafter shall''.

(b) SPECIAL RULE.—Section 304(b) (33 U.S.C. 1314(b)) is amended by striking the period at the end of the first sentence and inserting the following: ''; except that guidelines issued under paragraph (1)(A) addressing pollutants identified pursuant to subsection (a)(4) shall not be revised after February 15, 1995, to be more stringent unless such revised guidelines meet the requirements of paragraph (4)(A).''.

TITLE IV—PERMITS AND LICENSES

SEC. 401. WASTE TREATMENT SYSTEMS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS.

Section 402(a) is amended by adding at the end the following:

''(6) CONCENTRATED ANIMAL FEEDING OPERATIONS.—For purposes of this section, waste

treatment systems, including retention ponds or lagoons, used to meet the requirements of this Act for concentrated animal feeding operations, are not waters of the United States. An existing concentrated animal feeding operation that uses a natural topographic impoundment or structure on the effective date of this Act, which is not hydrologically connected to any other waters of the United States, as a waste treatment system or wastewater retention facility may continue to use that natural topographic feature for waste storage regardless of its size, capacity, or previous use.''.

SEC. 402. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

(a) DEADLINES.—Section 402(p) (33 U.S.C. 1343(p)) is amended—

(1) in paragraph (1) by striking ''1994'' and inserting ''2005''; and

(2) in paragraph (6) by striking ''1993'' and inserting ''2005''.

(b) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Section 402(p)(3) is amended by adding at the end the following:

''(C) PROHIBITION ON NUMERIC EFFLUENT LIMITATIONS FOR MUNICIPAL DISCHARGES.—Permits for municipal separate storm sewers shall not include numeric effluent limitations.''.

SEC. 403. INTAKE CREDITS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

''(q) INTAKE CREDITS.—

''(1) IN GENERAL.—Notwithstanding any provision of this Act, in any effluent limitation or other limitation imposed under the permit program established by the Administrator under this section, any State permit program approved under this section (including any program for implementation under section 118(c)(2)), any standards established under section 307(a), or any program for industrial users established under section 307(b), the Administrator, as applicable, shall or the State, as applicable, may provide credits for pollutants present in or caused by intake water such that an owner or operator of a point source is not required to remove, reduce, or treat the amount of any pollutant in an effluent below the amount of such pollutant that is present in or caused by the intake water for such facility—

''(A)(i) if the source of the intake water and the receiving waters into which the effluent is ultimately discharged are the same;

''(ii) if the source of the intake water meets the maximum contaminant levels or treatment techniques for drinking water contaminants established pursuant to the Safe Drinking Water Act for the pollutant of concern; or

''(iii) if, at the time the limitation or standard is established, the level of the pollutant in the intake water is the same as or lower than the amount of the pollutant in the receiving waters, taking into account analytical variability; and

''(B) if, for conventional pollutants, the constituents of the conventional pollutants in the intake water are the same as the constituents of the conventional pollutants in the effluent.

''(2) ALLOWANCE FOR INCIDENTAL AMOUNTS.—In determining whether the condition set forth in paragraph (1)(A)(i) is being met, the Administrator shall or the State may, as appropriate, make allowance for incidental amounts of intake water from sources other than the receiving waters.

''(3) CREDIT FOR NONQUALIFYING POLLUTANTS.—The Administrator shall or a State may provide point sources an appropriate credit for pollutants found in intake water that does not meet the requirement of paragraph (1).

''(4) MONITORING.—Nothing in this section precludes the Administrator or a State from requiring monitoring of intake water, effluent, or receiving waters to assist in the implementation of this section.''.

SEC. 404. COMBINED SEWER OVERFLOWS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

''(r) COMBINED SEWER OVERFLOWS.—

''(1) REQUIREMENT FOR PERMITS.—Each permit issued pursuant to this section for a discharge from a combined storm and sanitary sewer shall conform with the combined sewer overflow control policy signed by the Administrator on April 11, 1994.

''(2) TERM OF PERMIT.—

''(A) COMPLIANCE DEADLINE.—Notwithstanding any compliance schedule under section 301(b), or any permit limitation under section 402(b)(1)(B), the Administrator (or a State with a program approved under subsection (b)) may issue a permit pursuant to this section for a discharge from a combined storm and sanitary sewer, that includes a schedule for compliance with a long-term control plan under the control policy referred to in paragraph (1), for a term not to exceed 15 years.

''(B) EXTENSION.—Notwithstanding the compliance deadline specified in subparagraph (A), the Administrator or a State with a program approved under subsection (b) shall extend, on request of an owner or operator of a combined storm and sanitary sewer and subject to subparagraph (C), the period of compliance beyond the last day of the 15-year period—

''(i) if the Administrator or the State determines that compliance by such last day is not within the economic capability of the owner or operator; and

''(ii) if the owner or operator demonstrates to the satisfaction of the Administrator or the State reasonable further progress towards compliance with a long-term control plan under the control policy referred to in paragraph (1).

''(C) LIMITATIONS ON EXTENSIONS.—

''(i) EXTENSION NOT APPROPRIATE.—Notwithstanding subparagraph (B), the Administrator or the State need not grant an extension of the compliance deadline specified in subparagraph (A) if the Administrator or the State determines that such an extension is not appropriate.

''(ii) NEW YORK-NEW JERSEY.—Prior to granting an extension under subparagraph (B) with respect to a combined sewer overflow discharge originating in the State of New York or New Jersey and affecting the other of such States, the Administrator or the State from which the discharge originates, as the case may be, shall provide written notice of the proposed extension to the other State and shall not grant the extension unless the other State approves the extension or does not disapprove the extension within 90 days of receiving such written notice.

''(3) SAVINGS CLAUSE.—Any consent decree or court order entered by a United States district court, or administrative order issued by the Administrator, before the date of the enactment of this subsection establishing any deadlines, schedules, or timetables, including any interim deadlines, schedules, or timetables, for the evaluation, design, or construction of treatment works for control or elimination of any discharge from a municipal combined storm and sanitary sewer system shall be modified upon motion or request by any party to such consent decree or court order, to extend to December 31, 2009, at a minimum, any such deadlines, schedules, or timetables, including any interim deadlines, schedules, or timetables as is necessary to conform to the policy referred to in paragraph (1) or otherwise achieve the objectives of this subsection. Notwithstanding the preceding sentence, the period of compliance with respect to a discharge referred to in paragraph (2)(C)(ii) may only be extended in accordance with paragraph (2)(C)(ii).''.

SEC. 405. ABANDONED MINES.

Section 402 (33 U.S.C. 1342) is further amended by inserting after subsection (o) the following:

''(p) PERMITS FOR REMEDIATING PARTY ON ABANDONED OR INACTIVE MINED LANDS.—

''(1) APPLICABILITY.—Subject to this subsection, including the requirements of paragraph (3), the Administrator, with the concurrence of the concerned State or Indian tribe, may issue a permit to a remediating party under this section for discharges associated with remediation activity at abandoned or inactive mined lands which modifies any otherwise applicable requirement of sections 301(b), 302, and 403, or any subsection of this section (other than this subsection).

''(2) APPLICATION FOR A PERMIT.—A remediating party who desires to conduct remediation activities on abandoned or inactive mined lands from which there is or may be a discharge of pollutants to waters of the United States or from which there could be a significant addition of pollutants from nonpoint sources may submit an application to the Administrator. The application shall consist of a remediation plan and any other information requested by the Administrator to clarify the plan and activities.

''(3) REMEDIATION PLAN.—The remediation plan shall include (as appropriate and applicable) the following:

''(A) Identification of the remediating party, including any persons cooperating with the concerned State or Indian tribe with respect to the plan, and a certification that the applicant is a remediating party under this section.

''(B) Identification of the abandoned or inactive mined lands addressed by the plan.

''(C) Identification of the waters of the United States impacted by the abandoned or inactive mined lands.

''(D) A description of the physical conditions at the abandoned or inactive mined lands that are causing adverse water quality impacts.

''(E) A description of practices, including system design and construction plans and operation and maintenance plans, proposed to reduce, control, mitigate, or eliminate the adverse water quality impacts and a schedule for implementing such practices and, if it is an existing remediation project, a description of practices proposed to improve the project, if any.

''(F) An analysis demonstrating that the identified practices are expected to result in a water quality improvement for the identified waters.

''(G) A description of monitoring or other assessment to be undertaken to evaluate the success of the practices during and after implementation, including an assessment of baseline conditions.

''(H) A schedule for periodic reporting on progress in implementation of major elements of the plan.

''(I) A budget and identified funding to support the activities described in the plan.

''(J) Remediation goals and objectives.

''(K) Contingency plans.

''(L) A description of the applicant's legal right to enter and conduct activities.

''(M) The signature of the applicant.

''(N) Identification of the pollutant or pollutants to be addressed by the plan.

''(4) PERMITS.—

''(A) CONTENTS.—Permits issued by the Administrator pursuant to this subsection shall—

''(i) provide for compliance with and implementation of a remediation plan which, following issuance of the permit, may be modified by the applicant after providing notification to and opportunity for review by the Administrator;

''(ii) require that any modification of the plan be reflected in a modified permit;

''(iii) require that if, at any time after notice to the remediating party and opportunity for comment by the remediating party, the Administrator determines that the remediating party is not implementing the approved remediation plan in substantial compliance with its terms, the Administrator shall notify the remediating party of the determination together with a list specifying the concerns of the Administrator;

''(iv) provide that, if the identified concerns are not resolved or a compliance plan approved within 180 days of the date of the notification, the Administrator may take action under section 309 of this Act;

''(v) provide that clauses (iii) and (iv) not apply in the case of any action under section 309 to address violations involving gross negligence (including reckless, willful, or wanton misconduct) or intentional misconduct by the remediating party or any other person;

''(vi) not require compliance with any limitation issued under sections 301(b), 302, and 403 or any requirement established by the Administrator under any subsection of this section (other than this subsection); and

''(vii) provide for termination of coverage under the permit without the remediating party being subject to enforcement under sections 309 and 505 of this Act for any remaining discharges—

''(I) after implementation of the remediation plan;

''(II) if a party obtains a permit to mine the site; or

''(III) upon a demonstration by the remediating party that the surface water quality conditions due to remediation activities at the site, taken as a whole, are equal to or superior to the surface water qualities that existed prior to initiation of remediation.

''(B) LIMITATIONS.—The Administrator shall only issue a permit under this section, consistent with the provisions of this subsection, to a remediating party for discharges associated with remediation action at abandoned or inactive mined lands if the remediation plan demonstrates with reasonable certainty that the actions will result in an improvement in water quality.

''(C) PUBLIC PARTICIPATION.—The Administrator may only issue a permit or modify a permit under this section after complying with subsection (b)(3).

''(D) EFFECT OF FAILURE TO COMPLY WITH PERMIT.—Failure to comply with terms of a permit issued pursuant to this subsection shall not be deemed to be a violation of an effluent standard or limitation issued under this Act.

''(E) LIMITATIONS ON STATUTORY CONSTRUCTION.—This subsection shall not be construed—

''(i) to limit or otherwise affect the Administrator's powers under section 504; or

''(ii) to preclude actions pursuant to section 309 or 505 for any violations of sections 301(a), 302, 402, and 403 that may have existed for the abandoned or inactive mined land prior to initiation of remediation covered by a permit issued under this subsection, unless such permit covers remediation activities implemented by the permit holder prior to issuance of the permit.

''(5) DEFINITIONS.—In this subsection the following definitions apply:

''(A) REMEDIATING PARTY.—The term 'remediating party' means—

''(i) the United States (on non-Federal lands), a State or its political subdivisions, or an Indian tribe or officers, employees, or contractors thereof; and

''(ii) any person acting in cooperation with a person described in clause (i), including a government agency that owns abandoned or inactive mined lands for the purpose of conducting remediation of the mined lands or that is engaging in remediation activities incidental to the ownership of the lands.

Such term does not include any person who, before or following issuance of a permit under this section, directly benefited from or participated in any mining operation (including exploration) associated with the abandoned or inactive mined lands.

''(B) ABANDONED OR INACTIVE MINED LANDS.—The term 'abandoned or inactive mined lands' means lands that were formerly mined and are not actively mined or in temporary shutdown at the time of submission of the remediation plan and issuance of a permit under this section.

''(C) MINED LANDS.—The term 'mined lands' means the surface or subsurface of an area where mining operations, including exploration, extraction, processing, and beneficiation, have been conducted. Such term includes private ways and roads appurtenant to such area, land excavations, underground mine portals, adits, and surface expressions associated with underground workings, such as glory holes and subsidence features, mining waste, smelting sites associated with other mined lands, and areas where structures, facilities, equipment, machines, tools, or other material or property which result from or have been used in the mining operation are located.

''(6) REGULATIONS.—The Administrator may issue regulations establishing more specific requirements that the Administrator determines would facilitate implementation of this subsection. Before issuance of such regulations, the Administrator may establish, on a case-by-case basis after notice and opportunity for public comment as provided by subsection (b)(3), more specific requirements that the Administrator determines would facilitate implementation of this subsection in an individual permit issued to the remediating party.''.

SEC. 406. BENEFICIAL USE OF BIOSOLIDS.

(a) REFERENCES.—Section 405(a) (33 U.S.C. 1345(a)) is amended by inserting ''(also referred to as 'biosolids')'' after ''sewage sludge'' the first place it appears.

(b) APPROVAL OF STATE PROGRAMS.—Section 405(f) (33 U.S.C. 1345(f)) is amended by adding at the end the following:

''(3) APPROVAL OF STATE PROGRAMS.—Notwithstanding any other provision of law, the Administrator shall approve for purposes of this subsection State programs that meet the standards for final use or disposal of sewage sludge established by the Administrator pursuant to subsection (d).''.

(c) STUDIES AND PROJECTS.—Section 405(g) (33 U.S.C. 1345(g)) is amended—

(1) in the first sentence of paragraph (1) by inserting ''building materials,'' after ''agricultural and horticultural uses,'';

(2) in paragraph (1) by adding at the end the following: ''Not later than January 1, 1997, and after providing notice and opportunity for public comment, the Administrator shall issue guidance on the beneficial use of sewage sludge.''; and

(3) in paragraph (2) by striking ''September 30, 1986,'' and inserting ''September 30, 1995,''.

TITLE V—GENERAL PROVISIONS

SEC. 501. PUBLICLY OWNED TREATMENT WORKS DEFINED.

Section 502 (33 U.S.C. 1362) is further amended by adding at the end the following:

''(25) The term 'publicly owned treatment works' means a treatment works, as defined in section 212, located at other than an industrial facility, which is designed and constructed principally, as determined by the Administrator, to treat domestic sewage or a mixture of domestic sewage and industrial wastes of a liquid nature. In the case of such a facility that is privately owned, such term includes only those facilities that, with respect to such industrial wastes, are carrying out a pretreatment program meeting all the requirements established under section 307 and paragraphs (8) and (9) of section 402(b) for pretreatment programs (whether or not the treatment works would be required to implement a pretreatment program pursuant to such sections).''.

SEC. 502. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards and reporting requirements (including reporting requirements based on quantitative amounts) to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of the Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 503. NEEDS ESTIMATE.

Section 516(b)(1) (33 U.S.C. 1375(b)(1)) is amended—

(1) in the first sentence by striking ''biennially revised'' and inserting ''quadrennially revised''; and

(2) in the second sentence by striking ''February 10 of each odd-numbered year'' and inserting ''December 31, 1997, and December 31 of every 4th calendar year thereafter''.

SEC. 504. FOOD PROCESSING AND FOOD SAFETY.

Title V (33 U.S.C. 1361–1377) is amended by redesignating section 519 as section 521 and by inserting after section 518 the following:

''SEC. 519. FOOD PROCESSING AND FOOD SAFETY.

''In developing any effluent guideline under section 304(b), pretreatment standard under section 307(b), or new source performance standard under section 306 that is applicable to the food processing industry, the Administrator shall consult with and consider the recommendations of the Food and Drug Administration, Department of Health and Human Services, Department of Agriculture, and Department of Commerce. The recommendations of such departments and

agencies and a description of the Administrator's response to those recommendations shall be made part of the rulemaking record for the development of such guidelines and standards. The Administrator's response shall include an explanation with respect to food safety, including a discussion of relative risks, of any departure from a recommendation by any such department or agency.''.

SEC. 505. AUDIT DISPUTE RESOLUTION.

Title V (33 U.S.C. 1361–1377) is further amended by inserting before section 521, as redesignated by this Act, the following:

''SEC. 520. AUDIT DISPUTE RESOLUTION.

''(a) ESTABLISHMENT OF BOARD.—The Administrator shall establish an independent Board of Audit Appeals (hereinafter in this section referred to as the 'Board') in accordance with the requirements of this section.

''(b) DUTIES.—The Board shall have the authority to review and decide contested audit determinations related to grant and contract awards under this Act. In carrying out such duties, the Board shall consider only those regulations, guidance, policies, facts, and circumstances in effect at the time of the grant or contract award.

''(c) PRIOR ELIGIBILITY DECISIONS.—The Board shall not reverse project cost eligibility determinations that are supported by an decision document of the Environmental Protection Agency, including grant or contract approvals, plans and specifications approval forms, grant or contract payments, change order approval forms, or similar documents approving project cost eligibility, except upon a showing that such decision was arbitrary, capricious, or an abuse of law in effect at the time of such decision.

''(d) MEMBERSHIP.—

''(1) APPOINTMENT.—The Board shall be composed of 7 members to be appointed by the Administrator not later than 90 days after the date of the enactment of this section.

''(2) TERMS.—Each member shall be appointed for a term of 3 years.

''(3) QUALIFICATIONS.—The Administrator shall appoint as members of the Board individuals who are specially qualified to serve on the Board by virtue of their expertise in grant and contracting procedures. The Administrator shall make every effort to ensure that individuals appointed as members of the Board are free from conflicts of interest in carrying out the duties of the Board.

''(e) BASIC PAY AND TRAVEL EXPENSES.—

''(1) RATES OF PAY.—Except as provided in paragraph (2), members shall each be paid at a rate of basic pay, to be determined by the Administrator, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board.

''(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Board who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

''(3) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator shall provide to the Board the administrative support services necessary for the Board to carry out its responsibilities under this section.

''(g) DISPUTES ELIGIBLE FOR REVIEW.—The authority of the Board under this section shall extend to any contested audit determination that on the date of the enactment of this section has yet to be formally concluded and accepted by either the grantee or the Administrator.''.

TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

SEC. 601. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking ''(1) for construction'' and all that follows through the period and inserting ''to accomplish the purposes of this Act.''.

SEC. 602. CAPITALIZATION GRANT AGREEMENTS.

(a) REQUIREMENTS FOR CONSTRUCTION OF TREATMENT WORKS.—Section 602(b)(6) (33 U.S.C. 1382(b)(6)) is amended—

(1) by striking ''before fiscal year 1995''; and

(2) by striking ''201(b)'' and all that follows through ''218'' and inserting ''211''.

(b) COMPLIANCE WITH OTHER FEDERAL LAWS.—Section 602 (33 U.S.C. 1382) is amended by adding at the end the following:

''(c) OTHER FEDERAL LAWS.—

''(1) COMPLIANCE WITH OTHER FEDERAL LAWS.—If a State provides assistance from its water pollution control revolving fund established in accordance with this title and in accordance with a statute, rule, executive order, or program of the State which addresses the intent of any requirement or any Federal executive order or law other than this Act, as determined by the State, the State in providing such assistance shall be treated as having met the Federal requirements.

''(2) LIMITATION ON APPLICABILITY OF OTHER FEDERAL LAWS.—If a State does not meet a requirement of a Federal executive order or law other than this Act under paragraph (1), such Federal law shall only apply to Federal funds deposited in the water pollution control revolving fund established by the State in accordance with this title the first time such funds are used to provide assistance from the revolving fund.''.

(c) GUIDANCE FOR SMALL SYSTEMS.—Section 602 (33 U.S.C. 1382) is amended by adding at the end the following new subsection:

''(d) GUIDANCE FOR SMALL SYSTEMS.—

''(1) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of the enactment of this subsection, the Administrator shall assist the States in establishing simplified procedures for small systems to obtain assistance under this title.

''(2) PUBLICATION OF MANUAL.—Not later than 1 year after the date of the enactment of this subsection, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist small systems in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

''(3) SMALL SYSTEM DEFINED.—For purposes of this title, the term 'small system' means a system for which a municipality or intermunicipal, interstate, or State agency seeks assistance under this title and which serves a population of 20,000 or less.''.

SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

''(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

''(1) IN GENERAL.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance to activities which have as a principal benefit the improvement or protection of water quality to a municipality, intermunicipal agency, interstate agency, State agency, or other person. Such activities may include the following:

''(A) Construction of a publicly owned treatment works if the recipient of such assistance is a municipality.

''(B) Implementation of lake protection programs and projects under section 314.

''(C) Implementation of a management program under section 319.

''(D) Implementation of a conservation and management plan under section 320.

''(E) Implementation of a watershed management plan under section 321.

''(F) Implementation of a stormwater management program under section 322.

''(G) Acquisition of property rights for the restoration or protection of publicly or privately owned riparian areas.

''(H) Implementation of measures to improve the efficiency of public water use.

''(I) Development and implementation of plans by a public recipient to prevent water pollution.

''(J) Acquisition of lands necessary to meet any mitigation requirements related to construction of a publicly owned treatment works.

''(2) FUND AMOUNTS.—The water pollution control revolving fund of a State shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing financial assistance described in paragraph (1). Fees charged by a State to recipients of such assistance may be deposited in the fund for the sole purpose of financing the cost of administration of this title.''.

(b) EXTENDED REPAYMENT PERIOD FOR DISADVANTAGED COMMUNITIES.—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by inserting after ''20 years'' the following: ''or, in the case of a disadvantaged community, the lesser of 40 years or the expected life of the project to be financed with the proceeds of the loan''; and

(2) in subparagraph (B) by striking ''not later than 20 years after project completion'' and inserting ''upon the expiration of the term of the loan''.

(c) LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGY.—Section 603(d)(5) (33 U.S.C. 1383(d)(5)) is amended to read as follows:

''(5) to provide loan guarantees for—

''(A) similar revolving funds established by municipalities or intermunicipal agencies; and

''(B) developing and implementing innovative technologies.''.

(d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: ''or $400,000 per year, whichever is greater, plus the amount of any fees collected by the State for such purpose under subsection (c)(2)''.

(e) TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(8) to provide to small systems technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, repair schedules, and other activities to improve wastewater treatment plant operations; except that such amounts shall not exceed 2 percent of all grant awards to such fund under this title.''.

(f) CONSISTENCY WITH PLANNING REQUIREMENTS.—Section 603(f) (33 U.S.C. 1383(f)) is amended by striking ''and 320'' and inserting ''320, 321, and 322''.

(g) LIMITATIONS ON CONSTRUCTION ASSISTANCE.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

''(g) LIMITATIONS ON CONSTRUCTION ASSISTANCE.—The State may provide financial assistance from its water pollution control revolving fund with respect to a project for construction of a treatment works only if—

''(1) such project is on the State's priority list under section 216 of this Act; and

''(2) the recipient of such assistance is a municipality in any case in which the treatment works is privately owned.''.

(h) INTEREST RATES.—Section 603 is further amended by adding at the end the following:

''(i) INTEREST RATES.—In any case in which a State makes a loan pursuant to subsection (d)(1) to a disadvantaged community, the State may charge a negative interest rate of not to exceed 2 percent to reduce the unpaid principal of the loan. The aggregate amount of all such negative interest rate loans the State makes in a fiscal year shall not exceed 20 percent of the aggregate amount of all loans made by the State from its revolving loan fund in such fiscal year.

''(j) DISADVANTAGED COMMUNITY DEFINED.—As used in this section, the term 'disadvantaged community' means the service area of a publicly owned treatment works with respect to which the average annual residential sewage treatment charges for a user of the treatment works meet affordability criteria established by the State in which the treatment works is located (after providing for public review and comment) in accordance with guidelines to be established by the Administrator, in cooperation with the States.''.

(i) SALE OF TREATMENT WORKS.—Section 603 is further amended by adding at the end the following:

''(k) SALE OF TREATMENT WORKS.—

''(1) IN GENERAL.—Notwithstanding any other provisions of this Act, any State, municipality, intermunicipality, or interstate agency may transfer by sale to a qualified private sector entity all or part of a treatment works that is owned by such agency and for which it received Federal financial assistance under this Act if the transfer price will be distributed, as amounts are received, in the following order:

''(A) First reimbursement of the agency of the unadjusted dollar amount of the costs of construction of the treatment works or part thereof plus any transaction and fix-up costs incurred by the agency with respect to the transfer less the amount of such Federal financial assistance provided with respect to such costs.

''(B) If proceeds from the transfer remain after such reimbursement, repayment of the Federal Government of the amount of such Federal financial assistance less the applicable share of accumulated depreciation on such treatment works (calculated using Internal Revenue Service accelerated depreciation schedule applicable to treatment works).

''(C) If any proceeds of such transfer remain after such reimbursement and repayment, retention of the remaining proceeds by such agency.

''(2) RELEASE OF CONDITION.—Any requirement imposed by regulation or policy for a showing that the treatment works are no longer needed to serve their original purpose shall not apply.

''(3) SELECTION OF BUYER.—A State, municipality, intermunicipality, or interstate agency exercising the authority granted by this subsection shall select a qualified private sector entity on the basis of total net cost and other appropriate criteria and shall utilize such competitive bidding, direct negotiation, or other criteria and procedures as may be required by State law.

''(l) PRIVATE OWNERSHIP OF TREATMENT WORKS.—

''(1) REGULATORY REVIEW.—The Administrator shall review the law and any regulations, policies, and procedures of the Environmental Protection Agency affecting the construction, improvement, replacement, operation, maintenance, and transfer of ownership of current and future treatment works owned by a State, municipality, intermunicipality, or interstate agency. If permitted by law, the Administrator shall modify such regulations, policies, and procedures to eliminate any obstacles to the construction, improvement, replacement, operation, and maintenance of such treatment works by qualified private sector entities.

''(2) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit to Congress a report identifying any provisions of law that must be changed in order to eliminate any obstacles referred to in paragraph (1).

''(3) DEFINITION.—For purposes of this section, the term 'qualified private sector entity' means any nongovernmental individual, group, association, business, partnership, organization, or privately or publicly held corporation that—

''(A) has sufficient experience and expertise to discharge successfully the responsibilities associated with construction, operation, and maintenance of a treatment works and to satisfy any guarantees that are agreed to in connection with a transfer of treatment works under subsection (k);

''(B) has the ability to assure protection against insolvency and interruption of services through contractual and financial guarantees; and

''(C) with respect to subsection (k), to the extent consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade—

''(i) is majority-owned and controlled by citizens of the United States; and

''(ii) does not receive subsidies from a foreign government.''.

SEC. 604. ALLOTMENT OF FUNDS.

(a) IN GENERAL.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

''(a) FORMULA FOR FISCAL YEARS 1996–2000.—Sums authorized to be appropriated pursuant to section 607 for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be allotted for such year by the Administrator not later than the 10th day which begins after the date of the enactment of the Clean Water Amendments of 1995. Sums authorized for each such fiscal year shall be allotted in accordance with the following table:

''States:	*Percentage of sums authorized:*
Alabama	1.0110
Alaska	0.5411
Arizona	0.7464
Arkansas	0.5914
California	7.9031
Colorado	0.7232
Connecticut	1.3537
Delaware	0.4438
District of Columbia	0.4438
Florida	3.4462
Georgia	1.8683
Hawaii	0.7002
Idaho	0.4438
Illinois	4.9976
Indiana	2.6631
Iowa	1.2236
Kansas	0.8690
Kentucky	1.3570
Louisiana	1.0060
Maine	0.6999
Maryland	2.1867
Massachusetts	3.7518
Michigan	3.8875
Minnesota	1.6618
Mississippi	0.8146
Missouri	2.5063
Montana	0.4438
Nebraska	0.4624
Nevada	0.4438
New Hampshire	0.9035
New Jersey	4.5156
New Mexico	0.4438
New York	12.1969
North Carolina	1.9943
North Dakota	0.4438
Ohio	5.0898
Oklahoma	0.7304
Oregon	1.2399
Pennsylvania	4.2145
Rhode Island	0.6071
South Carolina	0.9262
South Dakota	0.4438
Tennessee	1.4668
Texas	4.6458
Utah	0.4764
Vermont	0.4438
Virginia	2.2615
Washington	1.9217
West Virginia	1.4249
Wisconsin	2.4442
Wyoming	0.4438
Puerto Rico	1.1792
Northern Marianas	0.0377
American Samoa	0.0812
Guam	0.0587
Pacific Islands Trust Territory	0.1158
Virgin Islands	0.0576.''.

(b) CONFORMING AMENDMENT.—Section 604(c)(2) is amended by striking ''title II of this Act'' and inserting ''this title''.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

Section 607 (33 U.S.C. 1387(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

''(6) such sums as may be necessary for fiscal year 1995;

''(7) $2,500,000,000 for fiscal year 1996;

''(8) $2,500,000,000 for fiscal year 1997;

''(9) $2,500,000,000 for fiscal year 1998;

''(10) $2,500,000,000 for fiscal year 1999; and

''(11) $2,500,000,000 for fiscal year 2000.''.

SEC. 606. STATE NONPOINT SOURCE WATER POLLUTION CONTROL REVOLVING FUNDS.

Title VI (33 U.S.C. 1381–1387) is amended—

(1) in section 607 by inserting after ''title'' the following: ''(other than section 608)''; and

(2) by adding at the end the following:

''SEC. 608. STATE NONPOINT SOURCE WATER POLLUTION CONTROL REVOLVING FUNDS.

''(a) GENERAL AUTHORITY.—The Administrator shall make capitalization grants to each State for the purpose of establishing a nonpoint source water pollution control revolving fund for providing assistance—

''(1) to persons for carrying out management practices and measures under the State management program approved under section 319; and

''(2) to agricultural producers for the development and implementation of the water quality components of a whole farm or ranch resource management plan and for implementation of management practices and measures under such a plan.

A State nonpoint source water pollution control revolving fund shall be separate from any other State water pollution control revolving fund; except that the chief executive officer of the State may transfer funds from one fund to the other fund.

''(b) APPLICABILITY OF OTHER REQUIREMENTS OF THIS TITLE.—Except to the extent the Administrator, in consultation with the chief executive officers of the States, determines that a provision of this title is not consistent with a provision of this section, the provisions of sections 601 through 606 of

this title shall apply to grants made under this section in the same manner and to the same extent as they apply to grants made under section 601 of this title. Paragraph (5) of section 602(b) shall apply to all funds in a State revolving fund established under this section as a result of capitalization grants made under this section; except that such funds shall first be used to assure reasonable progress toward attainment of the goals of section 319, as determined by the Governor of the State. Paragraph (7) of section 603(d) shall apply to a State revolving fund established under this section, except that the 4-percent limitation contained in such section shall not apply to such revolving fund.

''(c) APPORTIONMENT OF FUNDS.—Funds made available to carry out this section for any fiscal year shall be allotted among the States by the Administrator in the same manner as funds are allotted among the States under section 319 in such fiscal year.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 per fiscal year for each of fiscal years 1996 through 2000.''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. TECHNICAL AMENDMENTS.

(a) SECTION 118.—Section 118(c)(1)(A) (33 U.S.C. 1268(c)(1)(A)) is amended by striking the last comma.

(b) SECTION 120.—Section 120(d) (33 U.S.C. 1270(d)) is amended by striking ''(1)''.

(c) SECTION 204.—Section 204(a)(3) (33 U.S.C. 1284(a)(3)) is amended by striking the final period and inserting a semicolon.

(d) SECTION 205.—Section 205 (33 U.S.C. 1285) is amended—

(1) in subsection (c)(2) by striking ''and 1985'' and inserting ''1985, and 1986'';

(2) in subsection (c)(2) by striking ''through 1985'' and inserting ''through 1986'';

(3) in subsection (g)(1) by striking the period following ''4 per centum''; and

(4) in subsection (m)(1)(B) by striking ''this'' the last place it appears and inserting ''such''.

(e) SECTION 208.—Section 208 (33 U.S.C. 1288) is amended—

(1) in subsection (h)(1) by striking ''designed'' and inserting ''designated''; and

(2) in subsection (j)(1) by striking ''September 31, 1988'' and inserting ''September 30, 1988''.

(f) SECTION 301.—Section 301(j)(1)(A) (33 U.S.C. 1311(j)(1)(A)) is amended by striking ''that'' the first place it appears and inserting ''than''.

(g) SECTION 309.—Section 309(d) (33 U.S.C. 1319(d)) is amended by striking the second comma following ''Act by a State''.

(h) SECTION 311.—Section 311 (33 U.S.C. 1321) is amended—

(1) in subsection (b) by moving paragraph (12) (including subparagraphs (A), (B) and (C)) 2 ems to the right; and

(2) in subsection (h)(2) by striking ''The'' and inserting ''the''.

(i) SECTION 505.—Section 505(f) (33 U.S.C. 1365(f)) is amended by striking the last comma.

(j) SECTION 516.—Section 516 (33 U.S.C. 1375) is amended by redesignating subsection (g) as subsection (f).

(k) SECTION 518.—Section 518(f) (33 U.S.C. 1377(f)) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 702. JOHN A. BLATNIK NATIONAL FRESH WATER QUALITY RESEARCH LABORATORY.

(a) DESIGNATION.—The laboratory and research facility established pursuant to section 104(e) of the Federal Water Pollution Control Act (33 U.S.C. 1254(e)) that is located in Duluth, Minnesota, shall be known and designated as the ''John A. Blatnik National Fresh Water Quality Research Laboratory''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the laboratory and research facility referred to in subsection (a) shall be deemed to be a reference to the ''John A. Blatnik National Fresh Water Quality Research Laboratory''.

SEC. 703. WASTEWATER SERVICE FOR COLONIAS.

(a) GRANT ASSISTANCE.—The Administrator may make grants to States along the United States-Mexico border to provide assistance for planning, design, and construction of treatment works to provide wastewater service to the communities along such border commonly known as ''colonias''.

(b) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds made available under subsection (a) shall be 50 percent. The non-Federal share of such cost shall be provided by the State receiving the grant.

(c) TREATMENT WORKS DEFINED.—For purposes of this section, the term ''treatment works'' has the meaning such term has under section 212 of the Federal Water Pollution Control Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (a) $50,000,000 for fiscal year 1996. Such sums shall remain available until expended.

SEC. 704. SAVINGS IN MUNICIPAL DRINKING WATER COSTS.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Director of the Office of Management and Budget, shall review, analyze, and compile information on the annual savings that municipalities realize in the construction, operation, and maintenance of drinking water facilities as a result of actions taken under the Federal Water Pollution Control Act.

(b) CONTENTS.—The study conducted under subsection (a), at a minimum, shall contain an examination of the following elements:

(1) Savings to municipalities in the construction of drinking water filtration facilities resulting from actions taken under the Federal Water Pollution Control Act.

(2) Savings to municipalities in the operation and maintenance of drinking water facilities resulting from actions taken under such Act.

(3) Savings to municipalities in health expenditures resulting from actions taken under such Act.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a).

TITLE VIII—WETLANDS CONSERVATION AND MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Wetlands and Watershed Management Act of 1995''.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares the following:

(1) Wetlands perform a number of valuable functions needed to restore and maintain the chemical, physical, and biological integrity of the Nation's waters, including—

(A) reducing pollutants (including nutrients, sediment, and toxics) from nonpoint and point sources;

(B) storing, conveying, and purifying flood and storm waters;

(C) reducing both bank erosion and wave and storm damage to adjacent lands and trapping sediment from upland sources;

(D) providing habitat and food sources for a broad range of commercial and recreational fish, shellfish, and migratory wildlife species (including waterfowl and endangered species); and

(E) providing a broad range of recreational values for canoeing, boating, birding, and nature study and observation.

(2) Original wetlands in the contiguous United States have been reduced by an estimated 50 percent and continue to disappear at a rate of 200,000 to 300,000 acres a year. Many of these original wetlands have also been altered or partially degraded, reducing their ecological value.

(3) Wetlands are highly sensitive to changes in water regimes and are, therefore, susceptible to degradation by fills, drainage, grading, water extractions, and other activities within their watersheds which affect the quantity, quality, and flow of surface and ground waters. Protection and management of wetlands, therefore, should be integrated with management of water systems on a watershed basis. A watershed protection and management perspective is also needed to understand and reverse the gradual, continued destruction of wetlands that occurs due to cumulative impacts.

(4) Wetlands constitute an estimated 5 percent of the Nation's surface area. Because much of this land is in private ownership wetlands protection and management strategies must take into consideration private property rights and the need for economic development and growth. This can be best accomplished in the context of a cooperative and coordinated Federal, State, and local strategy for data gathering, planning, management, and restoration with an emphasis on advance planning of wetlands in watershed contexts.

(b) PURPOSES.—The purposes of this Act are—

(1) to help create a coordinated national wetland management effort with efficient use of scarce Federal, State, and local financial and manpower resources to protect wetland functions and values and reduce natural hazard losses;

(2) to help reverse the trend of wetland loss in a fair, efficient, and cost-effective manner;

(3) to reduce inconsistencies and duplication in Federal, State, and local wetland management efforts and encourage integrated permitting at the Federal, State, and local levels;

(4) to increase technical assistance, cooperative training, and educational opportunities for States, local governments, and private landowners;

(5) to help integrate wetland protection and management with other water resource management programs on a watershed basis such as flood control, storm water management, allocation of water supply, protection of fish and wildlife, and point and nonpoint source pollution control;

(6) to increase regionalization of wetland delineation and management policies within a framework of national policies through advance planning of wetland areas, programmatic general permits and other approaches and the tailoring of policies to ecosystem and land use needs to reflect significant watershed variance in wetland resources;

(7) to address the cumulative loss of wetland resources;

(8) to increase the certainty and predictability of planning and regulatory policies for private landowners;

(9) to help achieve no overall net loss and net gain of the remaining wetland base of the United States through watershed-based restoration strategies involving all levels of government;

(10) to restore and create wetlands in order to increase the quality and quantity of the wetland resources and by so doing to restore and maintain the quality and quantity of the waters of the United States; and

(11) to provide mechanisms for joint State, Federal, and local development and testing of approaches to better protect wetland resources such as mitigation banking.

SEC. 803. STATE, LOCAL, AND LANDOWNER TECHNICAL ASSISTANCE AND COOPERATIVE TRAINING.

(a) STATE AND LOCAL TECHNICAL ASSISTANCE.—Upon request, the Administrator or the Secretary of the Army, as appropriate, shall provide technical assistance to State and local governments in the development and implementation of State and local government permitting programs under sections 404(e) and 404(h) of the Federal Water Pollution Control Act, State wetland conservation plans under section 805, and regional or local wetland management plans under section 805.

(b) COOPERATIVE TRAINING.—The Administrator and the Secretary, in cooperation with the Coordinating Committee established pursuant to section 804, shall conduct training courses for States and local governments involving wetland delineation, utilization of wetlands in nonpoint pollution control, wetland and stream restoration, wetland planning, wetland evaluation, mitigation banking, and other subjects deemed appropriate by the Administrator or Secretary.

(c) PRIVATE LANDOWNER TECHNICAL ASSISTANCE.—The Administrator and Secretary shall, in cooperation with the Coordination Committee, and appropriate Federal agencies develop and provide to private landowners guidebooks, pamphlets, or other materials and technical assistance to help them in identifying and evaluating wetlands, developing integrated wetland management plans for their lands consistent with the goals of this Act and the Federal Water Pollution Control Act, and restoring wetlands.

SEC. 804. FEDERAL, STATE, AND LOCAL GOVERNMENT COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a Federal, State, and Local Government Wetlands Coordinating Committee (hereinafter in this section referred to as the ''Committee'').

(b) FUNCTIONS.—The Committee shall—

(1) help coordinate Federal, State, and local wetland planning, regulatory, and restoration programs on an ongoing basis to reduce duplication, resolve potential conflicts, and efficiently allocate manpower and resources at all levels of government;

(2) provide comments to the Secretary of the Army or Administrator in adopting regulatory, policy, program, or technical guidance affecting wetland systems;

(3) help develop and field test, national policies prior to implementation such as wetland, delineation, classification of wetlands, methods for sequencing wetland mitigation responses, the utilization of mitigation banks;

(4) help develop and carry out joint technical assistance and cooperative training programs as provided in section 803;

(5) help develop criteria and implementation strategies for facilitating State conservation plans and strategies, local and regional wetland planning, wetland restoration and creation, and State and local permitting programs pursuant to section 404(e) or 404(g) of the Federal Water Pollution Control Act; and

(6) help develop a national strategy for the restoration of wetland ecosystems pursuant to section 6 of this Act.

(c) MEMBERSHIP.—The Committee shall be composed of 18 members as follows:

(1) The Administrator or the designee of the Administrator.

(2) The Secretary or the designee of the Secretary.

(3) The Director of the United States Fish and Wildlife Service or the designee of the Director.

(4) The Chief of the Natural Resources Conservation Service or the designee of the Chief.

(5) The Undersecretary for Oceans and Atmosphere or the designee of the Under Secretary.

(6) One individual appointed by the Administrator who will represent the National Governor's Association.

(7) One individual appointed by the Administrator who will represent the National Association of Counties.

(8) One individual appointed by the Administrator who will represent the National League of Cities.

(9) One State wetland expert from each of the 10 regions of the Environmental Protection Agency. Each member to be appointed under this paragraph shall be jointly appointed by the Governors of the States within the Environmental Protection Agency's region. If the Governors from a region cannot agree on such a representative, they will each submit a nomination to the Administrator and the Administrator will select a representative from such region.

(d) TERMS.—Each member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) shall be appointed for a term of 2 years.

(e) VACANCIES.—A vacancy in the Committee shall be filled, on or before the 30th day after the vacancy occurs, in the manner in which the original appointment was made.

(f) PAY.—Members shall serve without pay, but may receive travel expenses (including per diem in lieu of subsistence) in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) COCHAIRPERSONS.—The Administrator and one member appointed pursuant to paragraph (6), (7), (8), or (9) of subsection (c) (selected by such members) shall serve as cochairpersons of the Committee.

(h) QUORUM.—Two-thirds of the members of the Committee shall constitute a quorum but a lesser number may hold meetings.

(i) MEETINGS.—The Committee shall hold its first meeting not later than 120 days after the date of the enactment of this Act. The Committee shall meet at least twice each year thereafter. Meetings will be opened to the public.

SEC. 805. STATE AND LOCAL WETLAND CONSERVATION PLANS AND STRATEGIES; GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.

(a) STATE WETLAND CONSERVATION PLANS AND STRATEGIES.—Subject to the requirements of this section, the Administrator shall make grants to States and tribes to assist in the development and implementation of wetland conservation plans and strategies. More specific goals for such conservation plans and strategies may include:

(1) Inventorying State wetland resources, identifying individual and cumulative losses, identifying State and local programs applying to wetland resources, determining gaps in such programs, and making recommendations for filling those gaps.

(2) Developing and coordinating existing State, local, and regional programs for wetland management and protection on a watershed basis.

(3) Increasing the consistency of Federal, State, and local wetland definitions, delineation, and permitting approaches.

(4) Mapping and characterizing wetland resources on a watershed basis.

(5) Identifying sites with wetland restoration or creation potential.

(6) Establishing management strategies for reducing causes of wetland degradation and restoring wetlands on a watershed basis.

(7) Assisting regional and local governments prepare watershed plans for areas with a high percentage of lands classified as wetlands or otherwise in need of special management.

(8) Establishing and implementing State or local permitting programs under section 404(e) or 404(h) of the Federal Water Pollution Control Act.

(b) REGIONAL AND LOCAL WETLAND PLANNING, REGULATION, AND MANAGEMENT PROGRAMS.—Subject to the requirements of this section, the Administrator shall make grants to States which will, in turn, use this funding to make grants to regional and local governments to assist them in adopting and implementing wetland and watershed management programs consistent with goals stated in section 101 of the Federal Water Pollution Control Act and section 802 of this Act. Such plans shall be integrated with (where appropriate) or coordinated with planning efforts pursuant to section 319 of the Federal Water Pollution Control Act. Such programs shall, at a minimum, involve the inventory of wetland resources and the adoption of plans and policies to help achieve the goal of no net loss of wetland resources on a watershed basis. Other goals may include, but are not limited to:

(1) Integration of wetland planning and management with broader water resource and land use planning and management, including flood control, water supply, storm water management, and control of point and nonpoint source pollution.

(2) Adoption of measures to increase consistency in Federal, State, and local wetland definitions, delineation, and permitting approaches.

(3) Establishment of management strategies for restoring wetlands on a watershed basis.

(c) GRANTS TO FACILITATE THE IMPLEMENTATION OF SECTION 404.—Subject to the requirements of this section, the Administrator may make grants to States which assist the Federal Government in the implementation of the section 404 Federal Water Pollution Control program through State assumption of permitting pursuant to sections 404(g) and 404(h) of such Act through State permitting through a State programmatic general permit pursuant to section 404(e) of such Act or through monitoring and enforcement activities. In order to be eligible to receive a grant under this section a State shall provide assurances satisfactory to the Administrator that amounts received by the State in grants under this section will be used to issue regulatory permits or to enforce regulations consistent with the overall goals of section 802 and the standards and procedures of section 404(g) or 404(e) of this Act.

(d) MAXIMUM AMOUNT.—No State may receive more than $500,000 in total grants under subsections (a), (b), and (c) in any fiscal year and more than $300,000 in grants for subsection (a), (b), or (c), individually.

(e) FEDERAL SHARE.—The Federal share of the cost of activities carried out using amounts made available in grants under this section shall not exceed 75 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

SEC. 806. NATIONAL COOPERATIVE WETLAND ECOSYSTEM RESTORATION STRATEGY.

(a) DEVELOPMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in cooperation with other Federal agencies, State, and local governments, and representatives of the private sector, shall initiate the development of a

National Cooperative Wetland Ecosystem Restoration Strategy.

(b) GOALS.—The goal of the National Cooperative Wetland Ecosystem Restoration Strategy shall be to restore damaged and degraded wetland and riparian ecosystems consistent with the goals of the Water Pollution Control Amendments and the goals of section 802, and the recommendations of the National Academy of Sciences with regard to the restoration of aquatic ecosystems.

(c) FUNCTIONS.—The National Cooperative Wetland Ecosystem Restoration Strategy shall—

(1) be designed to help coordinate and promote restoration efforts by Federal, State, regional, and local governments and the private sector, including efforts authorized by the Coastal Wetlands Planning, Protection, and Restoration Act, the North American Waterfowl Management Plan, the Wetlands Reserve Program, and the wetland restoration efforts on Federal, State, local, and private lands;

(2) involve the Federal, State, and local Wetlands Coordination Committee established pursuant to section 804;

(3) inventory and evaluate existing restoration efforts and make suggestions for the establishment of new watershed specific efforts consistent with existing Federal programs and State, regional, and local wetland protection and management efforts;

(4) evaluate the role presently being played by wetland restoration in both regulatory and nonregulatory contexts and the relative success of wetland restoration in these contexts;

(5) develop criteria for identifying wetland restoration sites on a watershed basis, procedures for wetlands restoration, and ecological criteria for wetlands restoration; and

(6) identify regulatory obstacles to wetlands ecosystem restoration and recommend methods to reduce such obstacles.

SEC. 807. PERMITS FOR DISCHARGE OF DREDGED OR FILL MATERIAL.

(a) PERMIT MONITORING AND TRACKING.—Section 404(a) (33 U.S.C. 1344) is amended by adding at the end thereof the following: ''The Secretary shall, in cooperation with the Administrator, establish a permit monitoring and tracking programs on a watershed basis to monitor the cumulative impact of individual and general permits issued under this section. This program shall determine the impact of permitted activities in relationship to the no net loss goal. Results shall be reported biannually to Congress.''.

(b) ISSUANCE OF GENERAL PERMITS.—Paragraph (1) of section 404(e) is amended by inserting ''local,'' before ''State, regional, or nationwide basis'' in the first sentence.

(c) REVOCATION OR MODIFICATION OF GENERAL PERMITS.—Paragraph (2) of section 404(e) is amended by striking the period at the end and inserting ''or a State or local government has failed to adequately monitor and control the individual and cumulative adverse effects of activities authorized by State or local programmatic general permits.''.

(d) PROGRAMMATIC GENERAL PERMITS.—Section 404(e) is amended by adding at the end thereof the following new paragraph:

''(3) PROGRAMMATIC GENERAL PERMITS.—Consistent with the following requirements, the Secretary may, after notice and opportunity for public comment, issue State or local programmatic general permits for the purpose of avoiding unnecessary duplication of regulations by State, regional, and local regulatory programs:

''(A) The Secretary may issue a programmatic general permit based on a State, regional, or local government regulatory program if that general permit includes adequate safeguards to ensure that the State, regional, or local program will have no more than minimal cumulative impacts on the environment and will provide at least the same degree of protection for the environment, including all waters of the United States, and for Federal interests, as is provided by this section and by the Federal permitting program pursuant to section 404(a). Such safeguards shall include provisions whereby the Corps District Engineer and the Regional Administrators or Directors of the Environmental Protection Agency, the United States Fish and Wildlife Service, and the National Marine Fisheries Service (where appropriate), shall have an opportunity to review permit applications submitted to the State, regional, or local regulatory agency which would have more than minimal individual or cumulative adverse impacts on the environment, attempt to resolve any environmental concern or protect any Federal interest at issue, and, if such concern is not adequately addressed by the State, local, or regional agency, require the processing of an individual Federal permit under this section for the specific proposed activity. The Secretary shall ensure that the District Engineer will utilize this authority to protect all Federal interests including, but not limited to, national security, navigation, flood control, Federal endangered or threatened species, Federal interests under the Wild and Scenic Rivers Act, special aquatic sites of national importance, and other interests of overriding national importance. Any programmatic general permit issued under this subsection shall be consistent with the guidelines promulgated to implement subsection (b)(1).

''(B) In addition to the requirements of subparagraph (A), the Secretary shall not promulgate any local or regional programmatic general permit based on a local or regional government's regulatory program unless the responsible unit of government has also adopted a wetland and watershed management plan and is administering regulations to implement this plan. The watershed management plan shall include—

''(i) the designation of a local or regional regulatory agency which shall be responsible for issuing permits under the plan and for making reports every 2 years on implementation of the plan and on the losses and gains in functions and acres of wetland within the watershed plan area;

''(ii) mapping of—

''(I) the boundary of the plan area;

''(II) all wetlands and waters within the plan area as well as other areas proposed for protection under the plan; and

''(III) proposed wetland restoration or creation sites with a description of their intended functions upon completion and the time required for completion;

''(iii) a description of the regulatory policies and standards applicable to all wetlands and waters within the plan areas and all activities which may affect these wetlands and waters that will assure, at a minimum, no net loss of the functions and acres of wetlands within the plan area; and

''(iv) demonstration that the regulatory agency has the legal authority and scientific monitoring capability to carry out the proposed plan including the issuance, monitoring, and enforcement of permits in compliance with the plan.''.

(e) GRANDFATHER OF EXISTING GENERAL PERMITS.—Section 404(e) is further amended by adding at the end the following:

''(4) GRANDFATHER OF EXISTING GENERAL PERMITS.—General permits in effect on day before the date of the enactment of the Wetlands and Watershed Management Act of 1995 shall remain in effect until otherwise modified by the Secretary.''.

(f) DISCHARGES NOT REQUIRING A PERMIT.—Section 404(f) (33 U.S.C. 1344(f)) is amended by striking the subsection designation and paragraph (1) and inserting the following:

''(f) EXEMPTIONS.—

''(1) ACTIVITIES NOT REQUIRING PERMIT.—

''(A) IN GENERAL.—Activities are exempt from the requirements of this section and are not prohibited by or otherwise subject to regulation under this section or section 301 or 402 of this Act (except effluent standards or prohibitions under section 307 of this Act) if such activities—

''(i) result from normal farming, silviculture, aquaculture, and ranching activities and practices, including but not limited to plowing, seeding, cultivating, haying, grazing, normal maintenance activities, minor drainage, burning of vegetation in connection with such activities, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

''(ii) are for the purpose of maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, flood control channels or other engineered flood control facilities, water control structures, water supply reservoirs (where such maintenance involves periodic water level drawdowns) which provide water predominantly to public drinking water systems, groins, riprap, breakwaters, utility distribution and transmission lines, causeways, and bridge abutments or approaches, and transportation structures;

''(iii) are for the purpose of construction or maintenance of farm, stock or aquaculture ponds, wastewater retention facilities (including dikes and berms) that are used by concentrated animal feeding operations, or irrigation canals and ditches or the maintenance or reconstruction of drainage ditches and tile lines;

''(iv) are for the purpose of construction of temporary sedimentation basins on a construction site, or the construction of any upland dredged material disposal area, which does not include placement of fill material into the navigable waters;

''(v) are for the purpose of construction or maintenance of farm roads or forest roads, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the waters are not impaired, that the reach of the waters is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized;

''(vi) are undertaken on farmed wetlands, except that any change in use of such land for the purpose of undertaking activities that are not exempt from regulation under this subsection shall be subject to the requirements of this section to the extent that such farmed wetlands are 'wetlands' under this section;

''(vii) are undertaken in incidentally created wetlands, unless such incidentally created wetlands have exhibited wetlands functions and values for more than 5 years in which case activities undertaken in such wetlands shall be subject to the requirements of this section; and

''(viii) are for the purpose of preserving and enhancing aviation safety or are undertaken in order to prevent an airport hazard.''.

(g) AREAS NOT CONSIDERED TO BE NAVIGABLE WATERS.—Section 404(f) is further amended by adding the following:

''(3) AREAS NOT CONSIDERED TO BE NAVIGABLE WATERS.—

''(A) IN GENERAL.—For purposes of this section, the following shall not be considered navigable waters:

''(i) Irrigation ditches excavated in uplands.

''(ii) Artificially irrigated areas which would revert to uplands if the irrigation ceased.

''(iii) Artificial lakes or ponds created by excavating or diking uplands to collect and retain water, and which are used exclusively for stock watering, irrigation, or rice growing.

''(iv) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking uplands to retain water for primarily aesthetic reasons.

''(v) Temporary, water filled depressions created in uplands incidental to construction activity.

''(vi) Pits excavated in uplands for the purpose of obtaining fill, sand, gravel, aggregates, or minerals, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.

''(vii) Artificial stormwater detention areas and artificial sewage treatment areas which are not modified natural waters.

''(B) DEMONSTRATION REQUIRED.—Subparagraph (A) shall not apply to a particular water body unless the person desiring to discharge dredged or fill material in that water body is able to demonstrate that the water body qualifies under subparagraph (A) for exemption from regulation under this section.''.

SEC. 808. TECHNICAL ASSISTANCE TO PRIVATE LANDOWNERS, CODIFICATION OF REGULATIONS AND POLICIES.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(u)(1) The Secretary and the Administrator shall in cooperation with the United States Fish and Wildlife Service, Natural Resources Conservation Service, and National Marine Fisheries Service provide technical assistance to private landowners in delineation of wetlands and the planning and management of their wetlands. This assistance shall include—

''(A) the delineation of wetland boundaries within 90 days (providing on the ground conditions allow) of a request for such delineation for a project with a proposed individual permit application under this section and a total assessed value of less than $15,000; and

''(B) the provision of technical assistance to owners of wetlands in the preparation of wetland management plans for their lands to protect and restore wetlands and meet other goals of this Act, including control of nonpoint and point sources of pollution, prevention and reduction of erosion, and protection of estuaries and lakes.

''(2) The Secretary shall prepare, update on a biannual basis, and make available to the public for purchase at cost, an indexed publication containing all Federal regulations, general permits, and regulatory guidance letters relevant to the permitting of activities in wetland areas pursuant to section 404(a). The Secretary and the Administrator shall also prepare and distribute brochures and pamphlets for the public addressing—

''(A) the delineation of wetlands,

''(B) wetland permitting requirements; and

''(C) wetland restoration and other matters considered relevant.''.

SEC. 809. DELINEATION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(v) DELINEATION.—

''(1) IN GENERAL.—The United States Army Corps of Engineers, the United States Environmental Protection Agency, and other Federal agencies shall use the 1987 Corps of Engineers Manual for the Delineation of Jurisdictional Wetlands pursuant to this section until a new manual has been prepared and formally adopted by the Corps and the Environmental Protection Agency with input from the United States Fish and Wildlife Service, Natural Resources, Natural Resources Conservation Service, and other relevant agencies and adopted after field testing, hearing, and public comment. Any new manual shall take into account the conclusions of the National Academy of Sciences panel concerning the delineation of wetlands. The Corps, in cooperation with the Environmental Protection Agency and the Department of Agriculture, shall develop materials and conduct training courses for consultants, State, and local governments, and landowners explaining the use of the Corps 1987 wetland manual in the delineation of wetland areas. The Corps, in cooperation with the Environmental Protection Agency and the Department of Agriculture, may also, in cooperation with the States, develop supplemental criteria and procedures for identification of regional wetland types. Such criteria and procedures may include supplemental plant and soil lists and supplementary technical criteria pertaining to wetland hydrology, soils, and vegetation.

''(2) AGRICULTURAL LANDS.—

''(A) DELINEATION BY SECRETARY OF AGRICULTURE.—For purposes of this section, wetlands located on agricultural lands and associated nonagricultural lands shall be delineated solely by the Secretary of Agriculture in accordance with section 1222(j) of the Food Security Act of 1985 (16 U.S.C. 3822(j)).

''(B) EXEMPTION OF LANDS EXEMPTED UNDER FOOD SECURITY ACT.—Any area of agricultural land or any discharge related to the land determined to be exempt from the requirements of subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall also be exempt from the requirements of this section for such period of time as those lands are used as agricultural lands.

''(C) EFFECT OF APPEAL DETERMINATION PURSUANT TO FOOD SECURITY ACT.—Any area of agricultural land or any discharge related to the land determined to be exempt pursuant to an appeal taken pursuant to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) shall be exempt under this section for such period of time as those lands are used as agricultural lands.''.

SEC. 810. FAST TRACK FOR MINOR PERMITS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(w)(1) Not later than 6 months after the date of enactment of this subsection, the Secretary shall issue regulations to explore the review and practice of individual permits for minor activities. Minor activities include activities of 1 acre or less in size which also have minor direct, secondary, or cumulative impacts.

''(2) Permit applications for minor permits shall ordinarily be processed within 60 days of the receipt of completed application.

''(3) The Secretary shall establish fast-track field teams or other procedures in the individual offices sufficient to expedite the processing of the individual permits involving minor activities.''.

SEC. 811. COMPENSATORY MITIGATION.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(x) GENERAL REQUIREMENTS.—(1) Each permit issued under this section that results in loss of wetland functions or acreage shall require compensatory mitigation. The preferred sequence of mitigation options is as set forth in subparagraph (A) and (C). However, the Secretary shall have sufficient flexibility to approve practical options that provide the most protection to the resource—

''(A) measures shall first be undertaken by the permittee to avoid any adverse effects on wetlands caused by activities authorized by the permit.

''(B) measures shall be undertaken by the permittee to minimize any such adverse effects that cannot be avoided;

''(C) measures shall then be undertaken by the permittee to compensate for adverse impacts on wetland functions, values, and acreage;

''(D) where compensatory mitigation is used, preference shall be given to in-kind restoration on the same water body and within the same local watershed;

''(E) where on-site and in-kind compensatory mitigation are impossible, impractical, would fail to work in the circumstances, or would not make ecological sense, off-site and/or out-of-kind compensatory mitigation may be permitted within the watershed including participation in cooperative mitigation ventures or mitigation banks as provided in section 404(y).

''(2) The Secretary in consultation with the Administrator shall ensure that compensable mitigation by a permitee—

''(A) is a specific, enforceable condition of the permit for which it is required;

''(B) will meet defined success criteria; and

''(C) is monitored to ensure compliance with the conditions of the permit and to determine the effectiveness of the mitigation in compensating for the adverse effects for which it is required.''.

SEC. 812. COOPERATIVE MITIGATION VENTURES AND MITIGATION BANKS.

Section 404 (33 U.S.C. 1344) is amended by adding at the end the following:

''(y)(1) Not later than 1 year after the date of the enactment of this Act, the Secretary and the Administrator shall jointly issue rules for a system of cooperative mitigation ventures and wetland banks. Such rules shall, at the minimum, address the following topics:

''(A) Mitigation banks and cooperative ventures may be used on a watershed basis to compensate for unavoidable wetland losses which cannot be compensated on-site due to inadequate hydrologic conditions, excessive sedimentation, water pollution, or other problems. Mitigation banks and cooperative ventures may also be used to improve the potential success of compensatory mitigation through the use of larger projects, by locating projects in areas in more favorable short-term and long-term hydrology and proximity to other wetlands and waters, and by helping to ensure short-term and long-term project protection, monitoring, and maintenance.

''(B) Parties who may establish mitigation banks and cooperative mitigation ventures for use in specific context and for particular types of wetlands may include government agencies, nonprofits, and private individuals.

''(C) Surveys and inventories on a watershed basis of potential mitigation sites throughout a region or State shall ordinarily be required prior to the establishment of mitigation banks and cooperative ventures pursuant to this section.

''(D) Mitigation banks and cooperative mitigation ventures shall be used in a manner consistent with the sequencing requirements to mitigate unavoidable wetland impacts. Impacts should be mitigated within the watershed and water body if possible with on-site mitigation preferable as set forth in section 404(x).

''(E) The long-term security of ownership interests of wetlands and uplands on which projects are conducted shall be insured to protect the wetlands values associated with those wetlands and uplands;

''(F) Methods shall be specified to determine debits by evaluating wetland functions, values, and acreages at the sites of proposed permits for discharges or alternations pursuant to subsections (a), (c), and (g) and methods to be used to determine credits based

upon functions, values, and acreages at the times of mitigation banks and cooperative mitigation ventures.

''(G) Geographic restrictions on the use of banks and cooperative mitigation ventures shall be specified. In general, mitigation banks or cooperative ventures shall be located on the same water body as impacted wetlands. If this is not possible or practical, banks or ventures shall be located as near as possible to impacted projects with preference given to the same watershed where the impact is occurring.

''(H) Compensation ratios for restoration, creation, enhancement, and preservation reflecting and overall goal of no net loss of function and the status of scientific knowledge with regard to compensation for individual wetlands, risks, costs, and other relevant factors shall be specified. A minimum restoration compensation ratio of 1:1 shall be required for restoration of lost acreage with larger compensation ratios for wetland creation, enhancement and preservation.

''(I) Fees to be charged for participation in a bank or cooperative mitigation venture shall be based upon the costs of replacing lost functions and acreage on-site and off-site; the risks of project failure, the costs of long-term maintenance, monitoring, and protection, and other relevant factors.

''(J) Responsibilities for long-term monitoring, maintenance, and protection shall be specified.

''(K) Public review of proposals for mitigation banks and cooperative mitigation ventures through one or more public hearings shall be provided.

''(2) The Secretary, in consultation with the Administrator, is authorized to establish and implement a demonstration program for creating and implementing mitigation banks and cooperative ventures and for evaluating alternative approaches for mitigation banks and cooperative mitigation ventures as a means of contributing to the goals established by section 101(a)(8) or section 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403). The Secretary shall also monitor and evaluate existing banks and cooperative ventures and establish a number of such banks and cooperative ventures to test and demonstrate:

''(A) The technical feasibility of compensation for lost on-site values through off-site cooperative mitigation ventures and mitigation banks.

''(B) Techniques for evaluating lost wetland functions and values at sites for which permits are sought pursuant to section 404(a) and techniques for determining appropriate credits and debits at the sites of cooperative mitigation ventures and mitigation banks.

''(C) The adequacy of alternative institutional arrangements for establishing and administering mitigation banks and cooperative mitigation ventures.

''(D) The appropriate geographical locations of bank or cooperative mitigation ventures in compensation for lost functions and values.

''(E) Mechanisms for ensuring short-term and long-term project monitoring and maintenance.

''(F) Techniques and incentives for involving private individuals in establishing and implementing mitigation banks and cooperative mitigation ventures.

Not later than 3 years after the date of the enactment of this subsection, the Secretary shall transmit to Congress a report evaluating mitigation banks and cooperative ventures. The Secretary shall also, within this time period, prepare educational materials and conduct training programs with regard to the use of mitigation banks and cooperative ventures.''.

SEC. 813. WETLANDS MONITORING AND RESEARCH.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(z) The Secretary, in cooperation with the Administrator, the Secretary of Agriculture, the Director of the United States Fish and Wildlife Service, and appropriate State and local government entities, shall initiate, with opportunity for public notice and comment, a research program of wetlands and watershed management. The purposes of the research program shall include, but not be limited—

''(1) to study the functions, values and management needs of altered, artificial, and managed wetland systems including lands that were converted to production of commodity crops prior to December 23, 1985, and report to Congress within 2 years of the date of the enactment of this subsection;

''(2) to study techniques for managing and restoring wetlands within a watershed context;

''(3) to study techniques for better coordinating and integrating wetland, floodplain, stormwater, point and nonpoint source pollution controls, and water supply planning and plan implementation on a watershed basis at all levels of government; and

''(4) to establish a national wetland regulatory tracking program on a watershed basis.

This program shall track the individual and cumulative impact of permits issued pursuant to section 404(a), 404(e), and 404(h) in terms of types of permits issued, conditions, and approvals. The tracking program shall also include mitigation required in terms of the amount required, types required, and compliance.''.

SEC. 814. ADMINISTRATIVE APPEALS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(aa) ADMINISTRATIVE APPEALS.—

''(1) REGULATIONS ESTABLISHING PROCEDURES.—Not later than 1 year after the date of the enactment of the Wetlands and Watershed Management Act of 1995, the Secretary shall, after providing notice and opportunity for public comment, issue regulations establishing procedures pursuant to which—

''(A) a landowner may appeal a determination of regulatory jurisdiction under this section with respect to a parcel of the landowner's property;

''(B) a landowner may appeal a wetlands classification under this section with respect to a parcel of the landowner's property;

''(C) any person may appeal a determination that the proposed activity on the landowner's property is not exempt under subsection (f);

''(D) a landowner may appeal a determination that an activity on the landowner's property does not qualify under a general permit issued under this section;

''(E) an applicant for a permit under this section may appeal a determination made pursuant to this section to deny issuance of the permit or to impose a requirement under the permit; and

''(F) a landowner or any other person required to restore or otherwise alter a parcel of property pursuant to an order issued under this section may appeal such order.

''(2) DEADLINE FOR FILING APPEAL.—An appeal brought pursuant to this subsection shall be filed not later than 30 days after the date on which the decision or action on which the appeal is based occurs.

''(3) DEADLINE FOR DECISION.—An appeal brought pursuant to this subsection shall be decided not later than 90 days after the date on which the appeal is filed.

''(4) PARTICIPATION IN APPEALS PROCESS.—Any person who participated in the public comment process concerning a decision or action that is the subject of an appeal brought pursuant to this subsection may participate in such appeal with respect to those issues raised in the person's written public comments.

''(5) DECISIONMAKER.—An appeal brought pursuant to this subsection shall be heard and decided by an appropriate and impartial official of the Federal Government, other than the official who made the determination or carried out the action that is the subject of the appeal.

''(6) STAY OF PENALTIES AND MITIGATION.—A landowner or any other person who has filed an appeal under this subsection shall not be required to pay a penalty or perform mitigation or restoration assessed under this section or section 309 until after the appeal has been decided.''.

SEC. 815. CRANBERRY PRODUCTION.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(bb) CRANBERRY PRODUCTION.—Activities associated with expansion, improvement, or modification of existing cranberry production operations shall be deemed in compliance, for purposes of sections 309 and 505, with section 301, if—

''(1) the activity does not result in the modification of more than 10 acres of wetlands per operator per year and the modified wetlands (other than where dikes and other necessary facilities are placed) remain as wetlands or other waters of the United States; or

''(2) the activity is required by any State or Federal water quality program.''.

SEC. 816. STATE CLASSIFICATION SYSTEMS.

Section 404 (33 U.S.C. 1344) is further amended by adding at the end the following:

''(cc) STATE CLASSIFICATION SYSTEMS.—

''(1) GUIDELINES.—Not later than 1 year after the date of the enactment of this subsection, the Secretary, in consultation with the Administrator, the Secretary of Agriculture, and the Director of the United States Fish and Wildlife Service, shall establish guidelines to aid States and Indian tribes in establishing classification systems for the planning, managing, and regulating of wetlands.

''(2) ESTABLISHMENT.—In accordance with the guidelines established under paragraph (1), a State or Indian tribe may establish a wetlands classification system for lands of the State or Indian tribe and may submit such classification system to the Secretary for approval. Upon approval, the Secretary shall use such classification system in making permit determinations and establishing mitigation requirements for lands of the State or Indian tribe under this section.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect a State with an approved program under subsection (h) or a State with a wetlands classification system in effect on the date of the enactment of this subsection.''.

SEC. 817. DEFINITIONS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

''(26) The term 'wetland' means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

''(27) The term 'discharge of dredged or fill material' means the act of discharging and any related act of filling, grading, draining, dredging, excavation, channelization, flooding, clearing of vegetation, driving of piling or placement of other obstructions, diversion

of water, or other activities in navigable waters which impair the flow, reach, or circulation of surface water, or which result in a more than minimal change in the hydrologic regime, bottom contour, or configuration of such waters, or in the type, distribution, or diversity of vegetation in such waters.

''(28) The term 'mitigation bank' shall mean wetland restoration, creation, or enhancement projects undertaken primarily for the purpose of providing mitigation compensation credits for wetland losses from future activities. Often these activities will be, as yet, undefined.

''(29) The term 'cooperative mitigation ventures' shall mean wetland restoration, creation, or enhancement projects undertaken jointly by several parties (such as private, public, and nonprofit parties) with the primary goal of providing compensation for wetland losses from existing or specific proposed activities. Some compensation credits may also be provided for future as yet undefined activities. Most cooperative mitigation ventures will involve at least one private and one public cooperating party.

''(30) The term 'normal farming, silviculture, aquaculture and ranching activities' means normal practices identified as such by the Secretary of Agriculture, in consultation with the Cooperative Extension Service for each State and the land grant university system and agricultural colleges of the State, taking into account existing practices and such other practices as may be identified in consultation with the affected industry or community.

''(31) The term 'agricultural land' means cropland, pastureland, native pasture, rangeland, an orchard, a vineyard, nonindustrial forest land, an area that supports a water dependent crop (including cranberries, taro, watercress, or rice), and any other land used to produce or support the production of an annual or perennial crop (including forage or hay), aquaculture product, nursery product, or wetland crop or the production of livestock.''.

TITLE IX—MISCELLANEOUS

SEC. 901. OBLIGATIONS AND EXPENDITURES SUBJECT TO APPROPRIATIONS.

No provision or amendments of this Act shall be construed to make funds available for obligation or expenditure for any purpose except to the extent provided in advance in appropriation Acts.

H.R. 961

OFFERED BY: MR. STUDDS

AMENDMENT NO. 50: Page 115, strike line 5 and all that follows through line 3 on page 117 and insert the following:

(n) AMENDMENTS TO COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS OF 1990.—Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1451 note) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''(A)'' after ''PROGRAM DEVELOPMENT.—''; and

(B) by adding at the end the following:

''(B) A State that has not received Federal approval for the State's core coastal management program pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) shall have 30 months from the date of approval of such program to submit a Coastal Nonpoint Pollution Program pursuant to this section. Any such State shall also be eligible for any extension of time for submittal of the State's nonpoint program that may be received by a State with a federally approved coastal management program.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''to protect coastal waters generally'' and inserting ''to restore and protect coastal waters where the State has determined that coastal waters are threatened or significantly degraded'';

(3) in subsection (b)(3)—

(A) by striking ''The implementation'' and inserting ''A schedule for the implementation''; and

(B) by inserting '', and no less often than once every 5 years,'' after ''from time to time'';

(4) in subsection (b) by adding at the end the following:

''(7) IDENTIFICATION OF PRIORITY AREAS.—A prioritization of the areas in the State in which management measures will be implemented.'';

(5) in subsection (c) by adding at the end the following:

''(5) CONDITIONAL APPROVAL.—The Secretary and Administrator may grant conditional approval to a State's program where the State requests additional time to complete the development of its program. During the period during which the State's program is subject to conditional approval, the penalty provisions of paragraphs (3) and (4) shall not apply.'';

(6) in subsection (h)(1) by striking '', 1993, and 1994'' and inserting ''through 2000''; and

(7) in subsection (h)(2)(B)(iv) by striking ''fiscal year 1995'' and inserting ''each of fiscal years 1995 through 2000''.

H.R. 961

OFFERED BY: MR. TATE

AMENDMENT NO. 51: Insert the following new section into H.R. 961:

SEC. . FEDERAL POWER ACT PART I PROJECTS.

Section 511(a) of the Federal Water Pollution Control Act (33 U.S.C. §1371) is amended by adding after ''subject to section 10 of the Act of March 3, 1899,'' the following, and by renumbering the remaining paragraph accordingly:

''(3) applying to hydropower projects within the jurisdiction of the Federal Energy Regulatory Commission or its successors under the authority of Part I of the Federal Power Act (16 U.S.C. §§791 et seq.); except that State water quality agencies may submit recommendations pursuant to this Act to the Commission as to those projects and the Commission shall consider those recommendations along with other agency recommendations under the comprehensive public interest licensing standard set out in section 10(a) of the Federal Power Act (16 U.S.C. §803(a));''.

H.R. 961

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 52: Page 35, after line 23, insert the following:

''(2) LIMITATION.—The Administrator or a State may extend the deadline for point source compliance and encourage the development and use of an innovative pollution prevention technology under paragraph (1) only if the technology, to the greatest extent possible, is produced in the United States.

Page 35, line 24, strike ''(2)'' and insert ''(3)''.

Page 35, line 7, strike ''(3)'' and insert ''(4)''.

Page 35, line 18, strike ''(4)'' and insert ''(5)''.

H.R. 961

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 53: Page 216, line 12, strike ''521'' and insert ''522''.

Page 217, line 7, strike ''521'' and insert ''522''.

Page 219, after line 18, insert the following:

SEC. 512. AMERICAN-MADE EQUIPMENT AND PRODUCTS.

Title V (33 U.S.C. 1361–1377) is further amended by inserting before section 522, as redesignated by section 510 of this Act, the following:

''SEC. 521. AMERICAN-MADE EQUIPMENT AND PRODUCTS.

''(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the sense of Congress expressed by subsection (a).''

Conform the table of contents of the bill accordingly.

H.R. 961

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 54: Page 82, after line 21, insert the following:

(c) NATIONAL CLEAN WATER TRUST FUND.—Section 309 (33 U.S.C. 1319) is further amended by adding at the end the following:

''(i) NATIONAL CLEAN WATER TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a National Clean Water Trust Fund (hereinafter in this subsection referred to as the 'Fund') consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

''(2) TRANSFER OF AMOUNTS.—For fiscal year 1996, and each fiscal year thereafter, the Secretary of the Treasury shall transfer, to the extent provided in advance in appropriations Acts, to the fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other moneys obtained through enforcement actions conducted pursuant to this section and section 505(a)(1), including moneys obtained under consent decrees and excluding any amounts ordered to be used to carry out mitigation projects under this section or section 505(a), as the case may be.

''(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, such obligations shall be credited to the Fund in accordance with the requirements of section 9602 of the Internal Revenue Code of 1986.

''(4) USE OF AMOUNTS FOR REMEDIAL PROJECTS.—Amounts in the Fund shall be available, as provided in appropriations Acts, to the Administrator to carry out projects to restore and recover waters of the United States from damages resulting from violations of this Act which are subject to enforcement actions under this section and similar damages resulting from the discharge of pollutants into the waters of the United States.

''(5) SELECTION OF PROJECTS.—

''(A) PRIORITY.—In selecting projects to carry out under this subsection, the Administrator shall give priority to a project to restore and recover waters of the United States from damages described in paragraph (4), if an enforcement action conducted pursuant to this section or section 505(a)(1) against such violation, or another violation in the same administrative region of the Environmental Protection Agency as such violation, resulted in amounts being deposited in the general fund of the Treasury.

''(B) CONSULTATION WITH STATES.—In selecting projects to carry out under this section, the Administrator shall consult with States in which the Administrator is considering carrying out a project.

''(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damages described in paragraph (4), the Administrator shall, in the case of a priority project under subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to such violation pursuant to this section or section 505(a)(1).

''(6) IMPLEMENTATION.—The Administrator may carry out a project under this subsection either directly or by making grants to, or entering into contracts with, the Secretary of the Army or any other public or private entity.

''(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall transmit to Congress a report on implementation of this subsection.''.

(d) USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.—

(1) IN GENERAL.—Section 309(d) (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following: ''The court may, in the court's discretion, order that a civil penalty be used for carrying out mitigation projects which are consistent with the purposes of this Act and which enhance the public health or environment.''.

(2) CONFORMING AMENDMENT.—Section 505(a) (33 U.S.C. 1365(a)) is amended by inserting before the period at the end of the last sentence the following: '', including ordering the use of a civil penalty for carrying out mitigation projects in accordance with section 309(d)''.

H.R. 961

OFFERED BY: MR. WYDEN

AMENDMENT NO. 55: Page 251, after line 2, insert the following:

''(C) PREVENTION OF REDUCTION IN FAIR MARKET VALUE OF PRIVATE HOMES.—No compensation shall be made under this section with respect to an agency action that prevents or restricts any activity that is likely to result in a total reduction in the fair market value of one or more private homes of $10,000 or more.

Page 315, after line 15, insert the following:

''(K) PRIVATE HOME.—The term 'private home' means any owner occupied dwelling, including any multi-family dwelling and any condominium.

Page 315, line 16, strike ''(K)'' and insert ''(L)''.

Page 315, line 19, strike ''(L)'' and insert ''(M)''.

Page 315, line 21, strike ''(M)'' and insert ''(N)''.

Page 316, line 14, strike ''(N)'' and insert ''(O)''.

H.R. 961

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 56: On page 72, after line 10, insert the following:

''(e) SECONDARY TREATMENT STANDARDS.—Subsection 301(h) (33 U.S.C. 1311(h)) is amended by striking 'of the biological oxygen demanding material and' ''.